



~~OFFICIAL USE ONLY - PROPRIETARY INFORMATION~~

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 1, 2007

Mr. Michael A. McMurphy
President and Chief Executive Officer
AREVA NC, Inc.
One Bethesda Center
Suite 1100
4800 Hampden Lane
Bethesda, MD 20814

SUBJECT: APPROVAL OF AREVA NC REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE

Dear Mr. McMurphy:

By letter dated April 5, 2007, AREVA submitted an affidavit, dated April 5, 2007, executed by Mr. Michael A. McMurphy. In the letter, Mr. McMurphy requested that the April 5, 2007, letter and the accompanying affidavit be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 390.

Mr. McMurphy did not provide a non-proprietary version of the April 5, 2007, letter or affidavit.

In the affidavit, dated April 5, 2007, Mr. McMurphy stated that the information should be withheld from public disclosure for the following reasons:

1. It is information that is held in confidence by AREVA and is protected as such.
2. The information sought to be withheld is of a type that AREVA would customarily be held in confidence by AREVA. The information consists of commercial information that provides a competitive advantage to AREVA.
3. The information is being provided to the U.S. Nuclear Regulatory Commission (NRC) in confidence.
4. The information is not available from public sources to the best of AREVA's knowledge and belief.
5. Public disclosure of the information has the potential to result in substantial harm to the competitive position of AREVA and has substantial commercial value to AREVA.

We have reviewed the justifications you provided in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted

~~OFFICIAL USE ONLY - PROPRIETARY INFORMATION~~

H-3

~~OFFICIAL USE ONLY - PROPRIETARY INFORMATION~~

M. McMurphy

2

information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,



Brian W. Smith, Chief
Enrichment and Conversion Branch
Fuel Facility Licensing Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

cc: Sam Shakir/AREVA

~~OFFICIAL USE ONLY - PROPRIETARY INFORMATION~~

~~OFFICIAL USE ONLY - PROPRIETARY INFORMATION~~

M. McMurphy

2

information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

Brian W. Smith, Chief
Enrichment and Conversion Branch
Fuel Facility Licensing Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

DISTRIBUTION:

FCSS r/f	SPB r/f	FFLD r/f	
ELeeds/NMSS	MWeber/NMSS	RPierson/FCSS	MBupp/OGC
DMcIntyre/OPA	TCombs/OCA	DSeymour/Reg	GJanosko/NMSS
MLesser/Reg II	RHannah/Reg II	KClark/Reg II	

ML071160100

OFC	ECB	ECB	OGC <i>NLO</i>	ECB
NAME	TJohnson <i>[Signature]</i>	LWilliamson <i>[Signature]</i>	<i>[Signature]</i>	BSmith <i>[Signature]</i>
DATE	4/ 27 /07	4/ 30 /07	4/ 30 /07	5/ 1 /07

OFFICE RECORD COPY

~~OFFICIAL USE ONLY - PROPRIETARY INFORMATION~~