



10 CFR 70.5
10 CFR 2.390

October 17, 2008

ATTN: Document Control Desk
Director
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

EREF-08-003

Eagle Rock Enrichment Facility
NRC Docket No. 70-7015

Subject: Request for Withholding from Public Disclosure

At the request of AREVA NC Inc., the current Chairman, Dr. M.S. Draper of the Quadripartite Committee sent a letter dated September 11, 2008 to Brian Smith of the NRC. This letter deals with issues that provide essential support of the license application that AREVA will be submitting to the NRC for the construction of a gas centrifuge uranium enrichment facility, designated the Eagle Rock Enrichment Facility (EREF). As the information in Dr. Draper's letter is considered proprietary, AREVA requests that the NRC withhold Dr. Draper's letter from public disclosure.

Specifically, in accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," paragraph (a)(4), we request that Dr. Draper's letter be withheld from public disclosure. An affidavit providing the basis for this request for withholding is provided in the Enclosure.

If you have any questions or need additional information, please contact me at 301-841-1701.

Respectfully,

A handwritten signature in black ink, appearing to read 'R.M. Krich'.

R.M. Krich
Director, Licensing

Enclosure: Affidavit

CC: Breeda Reilly, U.S. NRC Project Manager
Eagle Rock Enrichment Facility

DMSS01

AREVA NC INC.



AFFIDAVIT OF SAM SHAKIR

- (a) I am the General Manager of the Strategic Enrichment Program at AREVA NC Inc. (AREVA), and as such have the responsibility of reviewing the proprietary and confidential information sought to be withheld from public disclosure in connection with our application to construct and operate a gas centrifuge uranium enrichment facility. I am authorized to apply for the withholding of such proprietary and confidential information from public disclosure on behalf of AREVA.
- (b) I am making this affidavit in conformance with the provisions of 10 CFR 2.390 regulations of the U.S. Nuclear Regulatory Commission (NRC), and in conjunction with AREVA's request for withholding, which is accompanied by this affidavit.
- (c) I have knowledge of the criteria used by AREVA in designating information as proprietary or confidential.
- (d) By this submittal, AREVA seeks to protect from disclosure certain proprietary and confidential information contained in the following documents:
 - i Letter from Dr. M.S. Draper to Brian Smith (NRC), Provision of ETC Centrifuge Equipment for AREVA Enrichment Plant in USA," dated September 11, 2008
 - ii Affidavit of Sam Shakir, General Manager, Strategic Enrichment Program

The letter and affidavit include, for example, information regarding AREVA's commercial plans to construct a gas centrifuge uranium enrichment facility. This information is not public. In addition, because of the nature of the material with respect to the transfer of technology related to the enrichment facility, the information could create inappropriate financial speculation regarding AREVA generally and the proposed enrichment facility specifically. This affidavit discusses the bases for withholding the letter and this affidavit from public disclosure. The affidavit would reveal the same proprietary information as the letter that AREVA seeks to protect.

- (e) In accordance with the provisions of 10 CFR 2.390(b)(4), the following is furnished for consideration by the NRC in determining whether the proprietary information sought to be protected should be withheld from public disclosure.
 - i The information for which protection from disclosure is sought has been held in confidence by AREVA. This information is proprietary to AREVA, and AREVA seeks to protect it as such. The information proprietary to AREVA is found in the

AREVA NC INC.



documents listed in paragraph (d), above. AREVA has determined it is not practicable to separate the proprietary information from non-proprietary information in this document. Therefore, AREVA seeks to protect this document from public disclosure in its entirety.

- ii The information sought to be withheld is of a type that would be customarily held in confidence by AREVA.
- iii The information sought to be withheld is being provided to the NRC in confidence, and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the NRC.
- iv The information sought to be withheld is not available in public resources, to the best of AREVA's knowledge and belief.
- v Public disclosure of the proprietary information AREVA seeks to protect is likely to cause substantial harm to AREVA's competitive position within the meaning of 10 CFR 2.390(b)(4)(v). The proprietary information has substantial commercial value to AREVA.

For all of the reasons discussed above, AREVA requests that this proprietary information be withheld from public disclosure in its entirety.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on October 17, 2008

Sam Shakir
General Manager
Strategic Enrichment Program
AREVA NC Inc.
4800 Hampden Lane, Suite 1100
Bethesda, MD 20814

STATE OF MARYLAND
COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 17th day of October, 2008, before me, the undersigned Notary Public of the State of Maryland, personally appeared, **SAM SHAKIR**, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained. In witness hereof I hereunto set my hand and official seal.

Steven H. Bullock
Notary Public in and for the State of Maryland
My Commission Expires June 28, 2010

