



Sam Shakir
President & CEO

April 23, 2009

EREF-09-0010

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

AREVA Enrichment Services LLC
Eagle Rock Enrichment Facility
NRC Docket No: 70-7015

Subject: Revision 1 to License Application for the Eagle Rock Enrichment Facility

On December 30, 2008, AREVA Enrichment Services (AES) LLC submitted to the U.S. Nuclear Regulatory Commission (NRC) a license application for the construction and operation of the Eagle Rock Enrichment Facility (EREF) to be located in Bonneville County, Idaho. On March 31, 2009, AES notified the NRC of its intent to revise the License Application for the EREF to increase the facility's capacity from 3.3 million Separative Work Units (SWU) per year to 6.6 million SWU per year. This letter submits the aforementioned revision.

Revision 1 of the License Application for the EREF contains the changes to:

- 1) Address the expansion of the facility from 3.3 million SWU per year to 6.6 million SWU per year.
- 2) Update the AES organization for the design and construction phase of the project, including a change to the EREF Quality Assurance Program Description to reflect the organization update.

AREVA ENRICHMENT SERVICES LLC

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- 3) Address changes in the methodology for calculating the decommissioning cost estimate in Chapter 10 of the Safety Analysis Report. Note that the decommissioning cost estimate is based, in part, on depleted uranium disposition costs provided by the U.S. Department of Energy (DOE). These costs were provided to AREVA in a DOE letter, dated March 17, 2008, (previously submitted to the NRC on December 30, 2008). The AES letter, dated April 1, 2009, confirming the applicability of the DOE cost estimate to the expanded facility is enclosed.
- 4) Address changes to the location of the security fence.
- 5) Address changes in the methodology for addressing the aircraft hazard.
- 6) Address the socioeconomic information for Jefferson County, Idaho.
- 7) Modify the analysis for the need for enrichment services in Chapter 1 of the Environmental Report to include the announced capacity expansion for the National Enrichment Facility.
- 8) Release information that was previously marked as proprietary (i.e., the total cost of construction of the facility and total estimated taxes for the facility presented in the Safety Analysis Report and the Environmental Report).
- 9) Provide additional clarification for various subjects (e.g., the rationale for excluding Lemhi County, Idaho from the various socioeconomic discussions).
- 10) Resolve inconsistencies internal to the various portions of Revision 0 of the License Application.
- 11) Resolve editorial, administrative, and grammatical mistakes in Revision 0 of the License Application.

As part of Revision 0 of the License Application for the EREF, the portions of the application that contain classified information were submitted in a separate letter dated December 30, 2008, in accordance with 10 CFR 95.39, "External transmission of document and materials." AES is not submitting a revision to the classified material as part of Revision 1 of the License Application for the EREF. The only changes to the classified portion of the Fundamental Nuclear Material Control Plan and the classified portion of the Safety Analysis Report are:

- 1) Section 9.3.1.3 of the Fundamental Nuclear Material Control Plan (i.e., Chapter 9) identifies the total number of sample points on cascade valve frames. This number has doubled.
- 2) Chapter 10 of the Safety Analysis Report provides the decommissioning cost estimate. The classified portion of the decommissioning cost estimate defines the total number of centrifuges. The total number of centrifuges has doubled as a result of the expansion. The decommissioning cost estimate provided in Chapter 10 of the Safety Analysis Report was appropriately revised to reflect the increase in the amount of material associated with the capacity expansion.

Accordingly, AES submits the enclosed compact disks (CDs) that contain Revision 1 to the License Application for the in accordance with 10 CFR 70.21, "Filing," and 10 CFR 70.5, "Communications."


Disc 1 of 3 contains those portions of Revision 1 of the License Application for the EREF that do not contain any proprietary, security-related sensitive unclassified non-safeguards information (SUNSI), or Export Control Information (ECI) as controlled under 10 CFR 810.

Disc 2 of 3 contains those portions of the License Application, including the Integrated Safety Analysis Summary, that contain either proprietary or SUNSI information that AES is requesting be withheld from public disclosure in accordance with 10 CFR 2.390. The portions of the enclosed application that are identified as SUNSI were identified by using the guidance in NRC Regulatory Issue Summary (RIS) 2005-31, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information Handled by Individuals, Firms, and Entities Subject to NRC Regulation of the Use of Source, Byproduct, and Special Nuclear Material." In accordance with 10 CFR 2.390(b), an affidavit supporting our request to withhold this proprietary information is enclosed.

Disc 3 of 3 contains those portions of the Integrated Safety Analysis Summary that we have identified as containing information that is deemed ECI under 10 CFR 810, "Assistance to foreign atomic energy activities" and other regulations. AES requests that this information be withheld from public disclosure in accordance with 10 CFR 2.390, "Public inspections, exemptions, request for withholding," paragraphs (a)(1) and (a)(3).

If you have any questions, please contact me at 301-841-1656 or Mr. Stan Day at 508-573-6550.

Respectfully,

A handwritten signature in black ink, appearing to read "Sam Shakir", with a stylized, cursive script.

Sam Shakir

References:

- 1) S. Shakir (AES) Letter to the U.S. Nuclear Regulatory Commission, Application for a Uranium Enrichment Facility License Under 10 CFR 70, "Domestic Licensing of Special Nuclear Material," dated December 30, 2008.

- 2) S. Shakir (AES) Letter to the U.S. Nuclear Regulatory Commission, Notice of Intent to Submit Revision to the Eagle Rock Enrichment Facility License Application to Expand Capacity, dated March 31, 2009.
- 3) R. Krich (AES) Letter to the U.S. Nuclear Regulatory Commission, Submittal of Classified Portions of the Application for a Uranium Enrichment Facility License Under 10 CFR 70, "Domestic Licensing of Special Nuclear Material," dated December 30, 2008.
- 4) G. Harper (AES) Letter to I. Triay (U.S. Department of Energy), Cost Estimate for Disposal of Depleted Uranium Hexafluoride for Expanded Facility, dated April 1, 2009.

Enclosures:

- 1) Affidavit
- 2) G. Harper (AES) Letter to I. Triay (DOE), Cost Estimate for Disposal of Depleted Uranium Hexafluoride for Expanded Facility, dated April 1, 2009
- 3) Disc 1 of 3 - Redacted versions of the Environmental Report and Safety Analysis Report
- 4) Disc 2 of 3 – Proprietary and SUNSI portions of the Environmental Report and Safety Analysis Report, Emergency Plan, Fundamental Nuclear Material Control Plan, Physical Security Plan and Standards Practice and Procedure Plan, and Redacted version of the Integrated Safety Analysis Summary
- 5) Disc 3 of 3 – ECI Portions of the Integrated Safety Analysis Summary

CC: Michael Webster, Director, Office of Nuclear Safety and Safeguards (w/o enclosures)
Daniel Dorman, Director, Division of Fuel Cycle Safety and Safeguards (w/o enclosures)
Marissa Bailey, Deputy Director, Special Projects and Technical Support (w/o enclosures)
Thomas Hiltz, U.S. NRC Branch Chief (w/o enclosures)
Andrea Kock, U.S. NRC Branch Chief (w/o enclosures)
Breedea Reilly, U.S. NRC Senior Project Manager, Eagle Rock Enrichment Facility
Gloria Kulesa, U.S. NRC Senior Project Manager (w/o enclosures)

AFFIDAVIT OF SAM SHAKIR

- a) I am the President and Chief Executive Officer (CEO) of the AREVA Enrichment Services LLC (AES), 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 uranium enrichment facility. I am authorized to apply for the withholding of such proprietary and confidential information from public disclosure on behalf of AES.
- b) I am making this affidavit in conformance with the provisions of 10 CFR. 2.390 of the regulations of the Nuclear Regulatory Commission (NRC), and in conjunction with AES's request for withholding, which is accompanied by this affidavit.
- c) I have knowledge of the criteria used by AES in designating information as proprietary or confidential.
- d) By this submittal, AES seeks to protect from disclosure certain proprietary and confidential information contained in the following documents:

Revision 1 to License Application for EREF under 10 CFR 70 and the Integrated Safety Analysis (ISA) Summary, transmitted to the NRC by letter dated April 23, 2009 from Sam Shakir (AES), EREF-09-0010, to the NRC.

The license application and ISA Summary contain commercial information that is not public. Disclosure of this information could create inappropriate financial speculation regarding AES generally and the proposed enrichment facility specifically. This affidavit discusses the bases for withholding certain portions of the application and ISA Summary, as indicated therein, from public disclosure.


- e) Pursuant to 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.
 - 1. The information for which protection from disclosure is sought has been held in confidence by AES. This information is proprietary to AES, and AES seeks to protect it as such. The information proprietary to AES is found in the documents listed in paragraph (d), above. AES has separated the proprietary information from non-proprietary information in these documents. Therefore, AES seeks to protect the separated information from public disclosure.
 - 2. The information sought to be withheld is of a type that would customarily be held in confidence by AES. The information consists of commercial and financial information that provides a competitive advantage to AES.

3. 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.
4. The information sought to be withheld is not available in public sources, to the best of AES's knowledge and belief.
5. Public disclosure of the proprietary information AES seeks to protect is likely to cause substantial harm to AES's competitive position within the meaning of 10 CFR 2.390(b)(4)(v). The proprietary information has substantial commercial value to AES.

For all of the reasons discussed above, AES requests that the identified proprietary information be withheld from public disclosure.

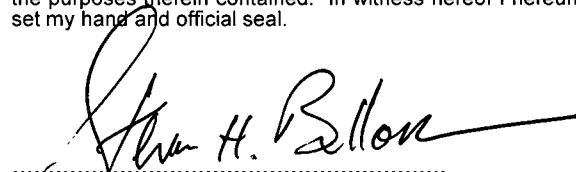
I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 21, 2009.


Sam Shakir

STATE OF MARYLAND
COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 21st day of April 2009, 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

Steven H. Bullock
Notary Public
Prince George's County
State of Maryland
Commission Expires June 28, 2010

