

September 4, 2009

Mr. Jim Kay, Licensing Manager  
AREVA Enrichment Services LLC  
Solomon Pond Park  
400 Donald Lynch Boulevard  
Marlborough, MA 01752

SUBJECT: NUCLEAR REGULATORY COMMISSION APPROVAL OF REQUEST BY AREVA  
ENRICHMENT SERVICES TO WITHHOLD INFORMATION FROM PUBLIC  
DISCLOSURE (TAC NO. L32707)

Dear Mr. Kay:

By letter dated July 31, 2009, transmitting an affidavit (Enclosure 1), also dated July 31, 2009, AREVA Enrichment Services LLC (AES) requested the U.S. Nuclear Regulatory Commission (NRC) withhold, from public disclosure, pursuant to Title of the 10 *Code of Federal Regulations* (10 CFR) 2.390, certain security-related sensitive unclassified non-safeguards information (SUNSI) contained in Enclosure 3 to the letter.

In addition, by letter dated August 18, 2009, transmitting an affidavit (Enclosure 1), dated August 17, 2009, AES requested the NRC withhold, from public disclosure, pursuant to 10 CFR 2.390, SUNSI contained in Enclosure 4 to the letter.

We reviewed both the July 31, 2009 and August 17, 2009 affidavits and the identified enclosures in accordance with the requirements of 10 CFR 2.390 and concluded that enclosures may be withheld.

Your letters state that the information was identified as SUNSI 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 Specific Nuclear Material." The RIS also provides guidance that if it is necessary to include SUNSI in your submissions, it is sufficient to clearly state in the cover letter that an attached document contains security-related sensitive information and to properly mark the information that contains the SUNSI. Note that an affidavit is not needed to support the claim that the information is security-related sensitive information.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. 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.

J. Kay

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If you have any questions regarding this matter, please contact me at (301) 492-3110 or via email to [breeda.reilly@nrc.gov](mailto:breeda.reilly@nrc.gov).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," copies of this letter and of your July 31, 2009 and August 17, 2009 affidavits will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

**/RA/**

M. Breeda Reilly, Senior Project Manager  
Advanced Fuel Cycle, Enrichment,  
and Uranium Conversion Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

cc: Jim Curtiss  
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Sam Shakir, President and CEO  
Strategic Enrichment Program  
AREVA Enrichment Services  
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George Harper, Vice President of Engineering  
AREVA Enrichment Services  
One Bethesda Center  
4800 Hampden Lane, Suite 1100  
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Sincerely,

**/RA/**

M. Breeda Reilly, Senior Project Manager  
Advanced Fuel Cycle, Enrichment,  
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Division of Fuel Cycle Safety  
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Office of Nuclear Material Safety  
and Safeguards

cc: Jim Curtiss  
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