



10 CFR 70.5

January 7, 2010

AES-O-NRC-10-00229-0

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: Re-categorizing Safe-by-Design Components

On April 23, 2009, AREVA Enrichment Services LLC (AES) submitted a revised License Application to the U.S. Nuclear Regulatory Commission (NRC) to construct and operate the Eagle Rock Enrichment Facility (EREF) in Bonneville County, Idaho (Ref. 1).

On September 28, 2009 (Ref. 2), AES submitted responses to the NRC Requests for Additional Information related in part to Items Relied on for Safety (IROFS), credited attributes of safe-by-design components; and structures, systems, and components (SSCs) that could interact with IROFS or credited attributes of safe-by-design components, due to a seismic event. The NRC Staff has questioned the use of the safe-by-design evaluation method as described in the License Application.

The safe-by-design components listed in Appendices B and C of the Integrated Safety Analysis Summary (ISAS) will be designated as IROFS that are safe by their respective attribute (diameter, volume or thickness) or as IROFS that are safe by criticality analysis. The License Application will be revised to reflect this re-categorization of these components and the addition of these new IROFS to Sections 3.7 and 3.8 of the ISAS. A new Section 5.1.6 - Safe-By-Design IROFS will be added to the Safety Analysis Report.

Enclosure 2 describes AES' approach; and, as it relates to the ISA Summary, contains security-related sensitive unclassified non-safeguards information (SUNSI). Enclosure 1 provides an affidavit supporting our request to withhold this information from public disclosure in accordance with 10 CFR 2.390(b).

AES will provide a markup of the License Application to reflect this change in re-categorizing the attributes of safe-by-design components as IROFS. The changes will be included in Revision 2 to the EREF License Application.

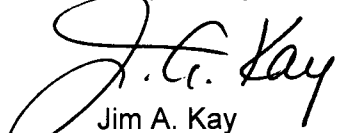
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**AREVA ENRICHMENT SERVICES LLC**

Solomon Pond Park - 400 Donald Lynch Boulevard, Marlborough, MA 01752  
Tel. : 508 229 2100 - Fax : 508 573 6610 - www.aveva.com

If you have any questions, or require additional information, please contact me at 508-573-6554.

Respectfully,

  
Jim A. Kay  
Licensing Manager

References:

- 1) S. Shakir (AES) Letter to the U.S. Nuclear Regulatory Commission, Revision 1 to License Application for the Eagle Rock Enrichment Facility, dated April 23, 2009.
- 2) J. A. Kay (AES) Letter to the U.S. Nuclear Regulatory Commission, Response to Requests for Additional Information – AREVA Enrichment Services Application for the Eagle Rock Enrichment Facility, dated September 28, 2009.

Enclosures:

- 1) Affidavit of Jim A. Kay
- 2) Safe-by-Design IROFS

Commitment:

AES will provide a markup of the License Application to reflect this change in re-categorizing the attributes of safe-by-design components to IROFS. The changes will be included in Revision 2 to the EREF License Application.

cc: Breeda Reilly, U.S. NRC Senior Project Manager

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- a) I am the Licensing Manager for 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 sensitive unclassified security-related information (SUNSI) contained in Enclosure 2.

1. Information which will be used for the markups of the ISA Summary

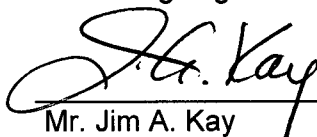
This affidavit discusses the bases for withholding certain portions of this submittal, as indicated therein, from public disclosure.

- 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. For the sensitive unclassified security-related information (SUNSI), the information was identified as SUNSI by the NRC and by AES using the guidance in NRC RIS 2005-31.
  2. 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.
  3. The information sought to be withheld is not available in public sources, to the best of AES's knowledge and belief.

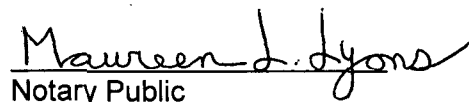
For all of the reasons discussed above, AES requests that the identified proprietary information be withheld from public disclosure.

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

Executed on January 7, 2010



Mr. Jim A. Kay  
Licensing Manager of AES LLC  
400 Donald Lynch Boulevard  
Marlborough, MA 01752



Maureen L. Lyons  
Notary Public