



10 CFR 73.4

January 20, 2010

AES-O-NRC-10-00244-0

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: Request for Early Approval of the Physical Security Plan

On December 30, 2008 (Ref. 1), as revised on April 23, 2009 (Ref. 2), AREVA Enrichment Services LLC (AES) submitted a License Application to construct and operate the Eagle Rock Enrichment Facility (EREF) to the U.S. Nuclear Regulatory Commission (NRC).

Based on recent discussions with the NRC Staff, AES hereby submits Revision 2 of the EREF Physical Security Plan (PSP) and requests NRC approval of the PSP.

Enclosure 2 provides Revision 2 of the PSP that includes the proposed changes submitted with the AES responses to the NRC Requests for Additional Information submitted on September 28, 2009 (Ref. 3) and additional changes requested in subsequent discussions with the NRC Staff. Enclosure 2 contains security-related information and should be withheld from public disclosure per the requirements of 10 CFR 2.390. The PSP contains information that the NRC previously identified as SUNSI. An affidavit supporting our request to withhold this security-related information is provided in Enclosure 1.

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

Respectfully,

A handwritten signature in black ink that reads 'J. A. Kay'.

James A. Kay  
Licensing Manager

**AREVA ENRICHMENT SERVICES LLC**

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Enclosures: 1) Affidavit of James A. Kay  
2) Physical Security Plan, Revision 2

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, Revision 1 to License Application for the Eagle Rock Enrichment Facility, dated April 23, 2009.
- 3) 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.

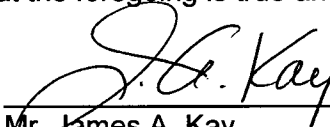
cc: Breeda Reilly, U.S. NRC Senior Project Manager  
Steve Lemont, U. S. NRC Senior Project Manager

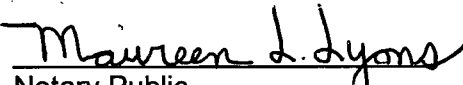
- a) I am the Licensing Manager for the AREVA Enrichment Services LLC (AES), and as such have the responsibility of reviewing the security-related information sought to be withheld from public disclosure in connection with our application to construct and operate a uranium enrichment facility. I am authorized to apply for the withholding of such security-related 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 security-related.
- d) By this submittal, AES seeks to protect from disclosure certain sensitive unclassified security-related information (SUNSI) contained in Enclosure 2 consisting of Revision 2 of the Physical Security Plan. 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 security-related 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 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."
  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 20, 2010.

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

  
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Notary Public