

March 3, 2010

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 January 7, 2010, transmitting an affidavit (enclosure 1 to the letter), dated January 7, 2010, AREVA Enrichment Services LLC (AES) requested the U.S. Nuclear Regulatory Commission (NRC) withhold, from public disclosure, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, certain security-related information contained in enclosure 2 to the letter.

The affidavit states that the submitted information should be considered exempt from mandatory public disclosure for the following reasons, among others:

1. The information sought to be withheld from public disclosure is security-related information.
2. The information has been provided to the NRC in confidence and is to be received in confidence by the NRC under the provisions of 10 CFR 2.390.
3. The information sought to be protected is not available in public sources to the best of AES's knowledge and belief.

We reviewed the January 7, 2010, affidavit and enclosure 2 to the letter in accordance with the requirements of 10 CFR 2.390 and concluded that the enclosure may be withheld.

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.

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 December 4, 2009, affidavit will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the Agencywide Document 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  
Special Projects and Technical  
Support Directorate  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

cc: Jim Curtiss  
Curtiss Law  
P.O. Box 153  
Brookville, MD 20833

Mr. George Harper, Vice President  
of Engineering  
AREVA Enrichment Services  
400 Donald Lynch Blvd  
Marlborough, MA 01752

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," copies of this letter and of your December 4, 2009, affidavit will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the Agencywide Document 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  
 Special Projects and Technical  
 Support Directorate  
 Division of Fuel Cycle Safety  
 and Safeguards  
 Office of Nuclear Material Safety  
 and Safeguards

cc: Jim Curtiss  
 Curtiss Law  
 P.O. Box 153  
 Brookville, MD 20833

Mr. George Harper, Vice President  
 of Engineering  
 AREVA Enrichment Services  
 400 Donald Lynch Blvd  
 Marlborough, MA 01752

**DISTRIBUTION:**

MWeber/NMSS	MBailey/FCSS	CSafford/OGC	DDorman/FCSS
SLemont/FSME	RVirgilio/FMSE	AKock/FSME	JWeil/OCA
JHenson/RII	RTrojanowski/RII	DMcIntyre/OPA	DSeymour/RII
CTaylor/RII	TGodoy/RII	TLiu/FCSS	

**ML100541793**

<b>OFFICE</b>	NMSS/AFCB	NMSS/FMB	NMSS/AFCB
<b>NAME</b>	BReilly	TRichmond	THiltz
<b>DATE</b>	3/03/2010	3/03/2010	3/03/2010

**OFFICIAL USE ONLY**