

June 22, 2010

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

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

Dear Mr. Kay:

By letter dated April 30, 2010 (transmitting an affidavit—Enclosure 1 to the letter, dated April 30, 2010), AREVA Enrichment Services, LLC (AES) requested that 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 proprietary and security-related information contained in Revision 2 to the Eagle Rock Enrichment Facility license application. The information has been submitted to the NRC in electronic form (compact disks labeled Disk 2a and 2b) enclosed with the letter. These disks include sensitive unclassified non-safeguards information, namely the revised Emergency Plan, Fundamental Nuclear Material Control Plan, Integrated Safety Analysis Summary, Physical Protection Plan, Standard Practice Procedures Plan, Cultural Survey Reports, and proprietary and security-related information for the Environmental Report and the Safety Analysis Report.

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

1. The information for which protection from disclosure is sought has been held in confidence by AES.
2. This information is proprietary to AES, and AES seeks to protect it as such.
3. 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.
4. 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.
5. The information sought to be withheld is not available in public sources to the best of AES's knowledge and belief.

6. 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.

We reviewed the April 30, 2010, affidavit and the contents of the disks enclosed with the letter in accordance with the requirements of 10 CFR 2.390 and concluded that the information on Disks 2a and 2b 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 publicly available, you should promptly notify the NRC. You should also 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," copies of this letter and of your April 30, 2010, 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).

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

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

Docket No.: 70-7015

cc: Mr. Jim Curtiss, Curtiss Law
Mr. George Harper, AREVA

- 6. 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.

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

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

Docket No.: 70-7015

cc: Mr. Jim Curtiss, Curtiss Law
 Mr. George Harper, AREVA

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George Harper
Vice President of Engineering
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