

July 9, 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 June 15, 2010 (transmitting an affidavit—Enclosure 1 to the letter, dated June 15, 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 security-related information contained in mark-up pages to Revision 2 to the Eagle Rock Enrichment Facility's (EREF) license application. The information addresses proposed revisions to the Integrated Safety Analysis Summary and the Emergency Plan and has been submitted to the NRC as Enclosure 3 to the June 15, 2010, letter.

The affidavit states that the submitted security-related 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. The NRC has previously determined that sensitive unclassified non-safeguards information (SUNSI) should be withheld from public disclosure.
3. The information sought to be withheld is of a type that would customarily be held in confidence by 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.

We reviewed the June 15, 2010, affidavit and the contents of Enclosure 3 in accordance with the requirements of 10 CFR 2.390 and concluded that the information in Enclosure 3 may be withheld. The NRC's 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,"

provides guidance on identifying and marking SUNSI. 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 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 June 15, 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's 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, 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, AES

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