



10 CFR 70.5

May 16, 2011

AES-O-NRC-11-01019

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: Eagle Rock Enrichment Facility License Application Revision 3 and Quality Assurance Program Description Revision 5

This letter submits the EREF License Application Revision 3 and the Quality Assurance Program Description (QAPD) Revision 5. The revision incorporates changes identified in response to supplemental Requests for Additional Information and other related AES correspondence, and changes discussed in recent telephone conversations with the NRC staff reviewers. Enclosure 2 provides a summary of the changes to the EREF License Application for Revision 3. The changes to the QAPD Revision 5 are also discussed in Enclosure 2 including an organization change. None of the changes in Enclosure 2 constitute a reduction in commitment.

AES submits the enclosed compact discs that contain the EREF License Application Revision 3 in accordance with 10 CFR 70.21, Filing, and 10 CFR 70.5, Communications.

- 1) Discs 1a and 1b provide the portions of the EREF License Application Revision 3 that do not contain any proprietary, security-related sensitive unclassified non-safeguards information (SUNSI), or export control information (ECI), and also provide the QAPD Revision 5.
- 2) Discs 2a and 2b provide the portions of the EREF License Application Revision 3 that contain either proprietary or SUNSI information that AES is requesting be withheld from public disclosure in accordance with 10 CFR 2.390. In accordance with 10 CFR 2.390(b) an affidavit supporting our request to withhold this proprietary and SUNSI information is enclosed.
- 3) Disc 3 provides the portions of the EREF License Application Revision 3 that contain information deemed ECI under 10 CFR 810. AES requests that this ECI information be withheld from public disclosure in accordance with 10 CFR 2.390, paragraphs (a)(1) and (a)(3).

**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

2004  
N145501

Enclosure 1 provides an affidavit supporting our request to withhold proprietary and ECI in accordance with 10 CFR 2.390(b).

If you have any questions regarding this submittal, please contact me at (508) 573-6554.

Respectfully,



James A. Kay  
Licensing Manager

Enclosures:

- 1) Affidavit of James A. Kay
- 2) Summary of Changes – EREF License Application Revision 3 and QAPD Revision 5
- 3) Discs 1a and 1b – Redacted versions of the Environmental Report and Safety Analysis Report, and the Quality Assurance Program Description
- 4) Discs 2a and 2b – Proprietary and SUNSI portions of the Environmental Report and Safety Analysis Report; Emergency Plan; Fundamental Nuclear Material Control Plan; Physical Security Plan; Standard Practice and Procedure Plan; Redacted version of the Integrated Safety Analysis Summary
- 5) Disc 3 – ECI portions of the Integrated Safety Analysis Summary

cc:

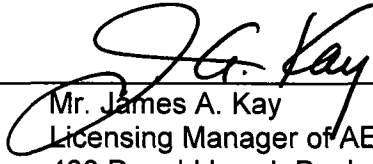
Michael Weber, Director, Office of Nuclear Safety and Safeguards (w/o enclosures)  
Daniel Dorman, Director, Division of Fuel Cycle Safety and Safeguards (w/o enclosures)  
Marissa Bailey, Deputy Director, Special Projects and Technical Support (w/o enclosures)  
Thomas Hiltz, Branch Chief (w/o enclosures)  
Breeda Reilly, U.S. NRC Senior Project Manager  
Steve Lemont, U.S. NRC Senior Project Manager  
Bruce Biver, Argonne National Laboratory

- 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 proprietary information contained in Enclosure 4 and ECI information contained in Enclosure 5. 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 and ECI information sought to be protected should be withheld from public disclosure.
  - 1. The information is sought to be withheld from public disclosure, because it has been held in confidence by AES. This information is proprietary to AES, and AES seeks to protect it as such. The information proprietary to AES is found in documents listed in paragraph (d) above. AES has separated the proprietary information from non-proprietary information in these documents. Therefore, AES seeks to protect the separated information from public disclosure.
  - 2. 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 provide a competitive advantage to AES.
  - 3. 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.
  - 4. The information sought to be withheld is not available in public sources, to the best of AES's knowledge and belief.
  - 5. 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.

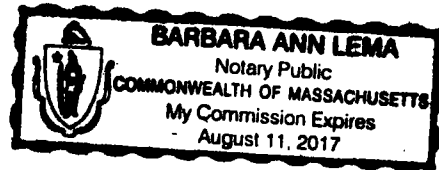
For all of the reasons discussed above, AES requests that the identified proprietary information be withheld from public disclosure.

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

Executed on May 16, 2011

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

  
Notary Public



### **Summary of Changes – EREF License Application Revision 3 and QAPD Revision 5**

- 1) Clarified ISAS that Safe-By-Design IROFS are Sole IROFS (Ref. 1)
- 2) Added a discussion in the SAR on what constitutes an alteration of a Safe-By-Design IROFS (Ref. 1)
- 3) Incorporated supplemental response to Requests for Additional Information (RAI) for RAIs ISA-17 and ISA-20 (Ref. 2)
- 4) Added supplemental April 2010 Sage Grouse Survey Report (Ref. 3)
- 5) Added follow-up response to Quality Assurance requirements for Fire Protection IROFS (Ref. 4, 6)
- 6) Clarified in SAR and ISAS that IROFS trip in the fail-safe position on loss of power (Ref. 5)
- 7) Revised the electrical design standard for independence and separation criteria for IROFS from IEEE 279-1971 to Regulatory Guide 1.75, Revision 3 (Ref. 5)
- 8) Revised definition for QAPD QA Level 1 to include IROFS with a Safe-By-Design attribute (Ref. 7)
- 9) Clarified independence of IROFS43 and IROFS100 for fire protection (Ref. 8)
- 10) Provided categorization of Load Cells as IROFS (Ref. 9)
- 11) Incorporated supplemental response for RAI ISA-10 (Ref. 1, 10)
- 12) Incorporated supplemental response for RAI HFE-1 (Ref. 11)
- 13) Included QAPD Revision 4 incorporating the 10 CFR 21 Exemption (Ref. 7, 12, 13)
- 14) Revised response to RAI ER 14 regarding the filing of a Notice of Intent with the EPA to start pre-construction activities (Ref. 14)
- 15) Added October 2010 Wildlife Survey Report (Ref. 15)
- 16) Updated the Foreign Ownership, Control and Influence (FOCI) Information (Ref. 16)
- 17) Incorporated response to RAIs for Fire Protection Quality Assurance requirements (Ref. 17 and 18)
- 18) Revised the description of IROFS38 and IROFS39 to clarify the fan motor for the Product Liquid Sampling Autoclave is located outside the autoclave and does not stop on a high temperature trip signal
- 19) Added organization changes to QAPD and SAR
- 20) Added Definition section to the QAPD (Ref. 19)
- 21) Incorporated miscellaneous editorial, administrative and grammatical changes to the ER, SAR, FNMCP and ISAS including a correction to breathing air requirements in SAR Section 4.6.2, a clarification of the Contingency Dump System upset events in SAR Sections 5.1.1 and 5.1.2 and, a clarification to feed material sampling requirements in FNMCP Section 2.3.2.

**References:**

- 1) B. Reilly (NRC) E-mail to J. A. Kay (AES) Response to RAI ISA-10, Safe-By-Design IROFS as Sole IROFS, and Alteration of a Safe-By-Design IROFS, May 11, 2010.
- 2) J. Kay (AES) letter to the U.S. NRC Document Control Desk, Supplemental Response to Requests for Additional Information – AREVA Enrichment Services LLC License Application for the Eagle Rock Enrichment Facility, May 12, 2010
- 3) J. A. Kay (AES) letter to the U.S. NRC Document Control Desk, AREVA Enrichment Services LLC - Eagle Rock Enrichment Facility, Supplemental Sage Grouse Survey Report, May 14, 2010.
- 4) J. A. Kay (AES) letter to the U.S. NRC Document Control Desk, Response to NRC Letter dated March 25, 2010, ML100560385, Quality Assurance Requirements for Fire Protection Items Relied On For Safety – AREVA Enrichment Services LLC License Application for the Eagle Rock Enrichment Facility, May 28, 2010.
- 5) AES June 2, 2010 Teleconference Notes with the NRC to Clarify IROFS Trip on Loss of Power and Use of Regulatory Guide 1.75, Revision 3, June 2, 2010.
- 6) J. A. Kay (AES) letter to the U.S. NRC Document Control Desk, Follow-up Response to Quality Assurance Requirements for Fire Protection Items Relied On For Safety, June 15, 2010.
- 7) G. van Noordennen (AES) E-mail to B. Reilly (NRC), Revised Definition for Quality Assurance Level 1 to Include IROFS with a Safe-By-Design Attribute, June 23, 2010.
- 8) J. A. Kay (AES) E-mail to B. Reilly (NRC) to Clarify Independence of IROFS43 and IROFS100 for Fire Protection, June 28, 2010.
- 9) J. A. Kay (AES) letter to the U.S. NRC Document Control Desk, Supplemental Information – Categorization of Load Cells as IROFS and Quality Assurance Requirements for Enhanced Administrative IROFS – AREVA Enrichment Services LLC License Application for the Eagle Rock Enrichment Facility, June 30, 2010.
- 10) J. A. Kay (AES) letter to the U.S. NRC Document Control Desk, Supplemental Response to Requests for Additional Information – AREVA Enrichment Services LLC License Application for the Eagle Rock Enrichment Facility, July 13, 2010.
- 11) J. A. Kay (AES) letter to the U.S. NRC Document Control Desk, Supplemental Response for NRC Request for Additional Information Number HFE-1, July 16, 2010.
- 12) D. Dorman (NRC) letter to J. Kay (AES), Approval of AREVA Enrichment Services' Part 21 Exemption Request, July 28, 2010.
- 13) J. A. Kay (AES) letter to the U.S. NRC Document Control Desk, Revised Quality Assurance Program Description Incorporating the 10 CFR Part 21 Exemption, September 10, 2010.
- 14) J. A. Kay (AES) E-mail to B. Reilly (NRC) to Revise Response to RAI ER 14 Regarding the Filing of a Notice of Intent to Start Construction Activities with the EPA, October 8, 2010.
- 15) J. A. Kay (AES) letter to the U.S. NRC Document Control Desk, Supplemental Wildlife Survey Report, December 17, 2010.
- 16) J. A. Kay (AES) letter to the U.S. NRC Document Control Desk, Foreign Ownership, Control, or Influence (FOCI) Information - Update to Standard Practice Procedure Plan (SPPP) for Non-Possessing Facility Clearance, January 10, 2011.
- 17) J. A. Kay (AES) letter to the U.S. NRC Document Control Desk, Response to Request for Additional Information for Revised Quality Assurance Program Description, March 1, 2011.

- 18) NRC April 12, 2011 Teleconference Summary with AES to Clarify the AES Response for the Revised Quality Assurance Program Description for Fire Protection IROFS.
- 19) NRC May 6, 2011 Teleconference Call with AES to request the addition of a definitions section to the QAPD to contain the approved definitions for the Part 21 exemption.