

Proprietary

Withhold From Public Disclosure Per 10 CFR 2.390



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U.S. Nuclear Regulatory Commission  
Washington, DC 20555

11 December 2008  
DCS-NRC-000227

Subject: Docket Number 070-03098  
Shaw AREVA MOX Services  
Mixed Oxide Fuel Fabrication Facility  
Responses to Fire Safety and Confinement Systems  
Requests for Additional Information

- References: (A) Letter, D. Tiktinsky (NRC) to D. W. Gwyn (MOX Services), *Request for Additional Information Regarding the Review of the Fire Safety Aspects of the Mixed Oxide Fuel Fabrication Facility License Application Request*, June 27, 2008
- (B) Letter, D. Tiktinsky (NRC) to D. W. Gwyn (MOX Services), *Request for Additional Information Regarding the Review of the Confinement System Safety Aspects of the Mixed Oxide Fuel Fabrication Facility License Application Request*, August 1, 2008

Shaw AREVA MOX Services, LLC (MOX Services) hereby submits to the U.S. Nuclear Regulatory Commission (NRC) responses to the References (A) and (B) Requests for Additional Information (RAI) concerning fire safety and confinement systems for the Mixed Oxide Fuel Fabrication Facility (MFFF).

Attachments 1 and 2 herein provide the detailed responses to the References (A) and (B) RAIs, respectively, and indicate corresponding changes to the Integrated Safety Analysis Summary (ISAS) and the License Application (LA). Attachment 3 provides the Confinement Systems RAI Crosswalk mentioned in response to RAI CONF-33. Attachments 4 and 5 provide the DRAFT ISAS and LA page changes, respectively, resulting from the RAI responses. Changes from the last ISAS and LA submittals are denoted by vertical lines in the right margin (the pagination and page revision dating are not yet updated). A formal submittal of the ISAS and LA changes will be included in the next MOX Services LA and ISAS updates.

The Attachments contain security related information, and should be withheld from public disclosure under 10 CFR 2.390. The Fire Safety responses of Attachment 1, the Confinement Systems responses of Attachment 2, the ISAS changes of Attachment 4, and some of the LA changes of Attachment 5, contain Proprietary information and should be withheld from public disclosure also for that reason. An affidavit pursuant to 10 CFR 2.390(b)(1) for the proprietary information is provided as Enclosure (1). A redacted copy is not provided due to the pervasive nature of the proprietary and security-related information.

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If you have any questions, please feel free to contact me or Dealis W. Gwyn, Licensing and Regulatory Compliance Manager at (803) 819-2780.

Sincerely,



David Stinson  
President and COO

DK/MAM

Enclosure: (1) Affidavit Pursuant to 10 CFR 2.390(b)(1)

Attachments – contained on a Compact Disc with the following Filenames:

- 1 MOX Fuel Fabrication Facility Responses to Fire Safety Requests for Additional Information, Filename: 001 Fire Safety RAI Responses.pdf
- 2 MOX Fuel Fabrication Facility Responses to Confinement Systems Requests for Additional Information, Filename: 002 Confinement Systems RAI Responses.pdf
- 3 Confinement Systems, RAI Crosswalk, Construction Authorization (CAR) vs. Licensing Application (LA), Filename: 003 Confinement DB Crosswalk.pdf
- 4 DRAFT ISA Summary Page Changes, 2 Filenames:
  - 004 ISAS 4.3 HVAC - for CONF RAI Response.pdf
  - 005 ISAS 5.3.04 Fire Events - for FP RAI Response.pdf
- 5 DRAFT License Application Page Changes, 2 Filenames:
  - 006 LA Ch.07 - for FP RAI Response.pdf
  - 007 LA Ch.11.03 HVAC - for CONF RAI Response.pdf

cc: (w/ encl. & attach.)  
David H. Tiktinsky, USNRC/HQ

cc: (w/o encl. nor attach.):  
Marissa G. Bailey, USNRC/HQ  
Mostafa Dayani, NNSA/SRS  
Daniel H. Dorman, USNRC/HQ  
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William B. Gloersen, USNRC/RII  
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Margaret A. Kotzalas, USNRC/HQ  
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Donald J. Silverman, Esq., MOX Services  
Garrett A. Smith, NNSA/HQ  
EDMS: Corresp\Outgoing\NRC\2008 NRC\DCS-NRC-000227

**Enclosure (1)**

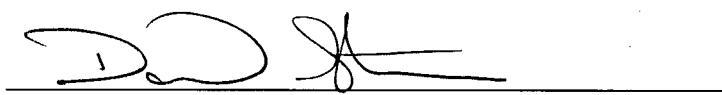
**Affidavit Pursuant to 10 CFR 2.390(b)(1)**

## AFFIDAVIT PURSUANT TO 10 CFR 2.390(b)(1)

1. I am the President and Chief Operating Officer of Shaw AREVA MOX Services, LLC (MOX Services), and as such have the responsibility for reviewing information sought to be withheld from public disclosure in connection with design and licensing of the Mixed Oxide Fuel Fabrication Facility (MFFF); and I am authorized on the part of MOX Services to apply for this withholding.
2. 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 MOX Services' application for withholding that accompanies this affidavit.
3. I have knowledge of the criteria used by MOX Services in designating information as proprietary or confidential.
4. Pursuant to the provisions of paragraph (b)(4) of 10 CFR 2.390, the following is furnished for consideration by the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
  - (i) The information sought to be withheld from public disclosure is owned by MOX Services, its partners, and/or affiliates, and has been held in confidence by the same.
  - (ii) The information is of a type that would customarily be held in confidence by MOX Services, its partners, and/or affiliates. The information consists of design details and processing methods and mechanisms relative to a method of processing that provides a competitive advantage to MOX Services, its partners, and/or affiliates.
  - (iii) The information was transmitted to the NRC in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the NRC.
  - (iv) The information sought to be protected is not available in public to the best of our knowledge and belief.
  - (v) The proprietary information sought to be withheld in this submittal is marked in the proprietary version. This information describes MOX Services' design for the MFFF. This information enables MOX Services, its partners, and/or affiliates to support license application for the MFFF.
  - (vi) The proprietary information sought to be withheld from public disclosure has substantial commercial value to MOX Services, its partners, and/or affiliates.
    - (a) It allows MOX Services to reduce vendor and consultant expenses associated with supporting the licensing of fuel fabrication plants.


- (b) MOX Services may sell the information to nuclear utilities, vendors, and consultants for the purpose of supporting the licensing of fuel fabrication plants.
  - (c) The subject information could only be duplicated by competitors at similar expense to that incurred by MOX Services, its partners, and/or affiliates.
5. Public disclosure of this information is likely to cause harm to MOX Services, its partners, and/or affiliates because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring commensurate expense or allowing MOX Services, its partners, and/or affiliates to recoup a portion of its expenditures or benefit from the sale of the information.

K. David Stinson, being duly sworn, states that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth within are true and correct to the best of his knowledge.



K. David Stinson, President and Chief Operating Officer

Subscribed and sworn to on this 11<sup>th</sup> day of December, 2008



Notary Public

My Commission Expires:

**MY COMMISSION EXPIRES 12-15-2009**

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