



10 CFR 70.5

May 12, 2010

AES-O-NRC-10-00348-0

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: Supplemental Response to Requests for Additional Information – AREVA  
Enrichment Services LLC License Application for the Eagle Rock Enrichment Facility

On August 27, 2009, the U.S. Nuclear Regulatory Commission (NRC) transmitted to AREVA Enrichment Services LLC (AES) Requests for Additional Information (RAI) regarding the Eagle Rock Enrichment Facility (EREF) License Application (Ref. 1). On September 28, 2009, AES submitted the responses to those NRC RAIs (Ref. 2). Subsequently, the NRC requested additional information for the responses provided to RAIs ISA-17 and ISA-20. Enclosure 2 provides the AES supplemental response to these two RAIs.

Enclosure 2 provides the proprietary and security-related sensitive unclassified non-safeguards information (SUNSI) supplemental responses to the RAIs and supporting information, including markups to the Integrated Safety Analysis Summary. This enclosure contains those portions of the submittal that contain either proprietary or SUNSI information that AES is requesting be withheld from public disclosure in accordance with 10 CFR 2.390. This information contains quotes from or markups of information that the NRC previously identified as SUNSI. In accordance with 10 CFR 2.390(b), an affidavit supporting our request to withhold this proprietary and security-related information is enclosed.

The AES responses include a description of each RAI, the supplemental AES response, markups of the EREF License Application as appropriate, additional supporting information (text, tables) and associated commitments.

As noted above, the AES responses contain proprietary information or SUNSI, that AES is requesting be withheld from public disclosure in accordance with 10 CFR 2.390. Enclosure 1 provides an affidavit supporting our request to withhold the information identified in Enclosure 2 in accordance with 10 CFR 2.390(b).

The EREF License Application will be revised to include the changes identified in the markups provided in Enclosure 2 in Revision 3 of the EREF License Application.

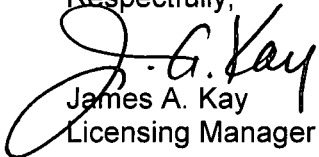
#### **AREVA ENRICHMENT SERVICES LLC**

Solomon Pond Park - 400 Donald Lynch Boulevard, Marlborough, MA 01752  
Tel. : 508 229 2100 - Fax : 508 573 6610 - www.aveva.com

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

Respectfully,

  
James A. Kay  
Licensing Manager

References:

- 1) B. Reilly (U.S. Nuclear Regulatory Commission) Letter to Jim Kay, Licensing Manager, Eagle Rock Enrichment Facility, AREVA Enrichment Services LLC, Request for Additional Information - AREVA Enrichment Services LLC License Application for the Eagle Rock Enrichment Facility, dated August 27, 2009.
- 2) J. Kay (AES) Letter to the U.S. Nuclear Regulatory Commission, Response to Requests for Additional Information, AREVA Enrichment Services LLC License Application for the Eagle Rock Enrichment Facility, dated September 28, 2009.

Enclosures:

- 1) Affidavit of James A. Kay
- 2) Proprietary and Security-Related Responses to NRC Requests for Additional Information and Supporting Information to be withheld in accordance with 10 CFR 2.390

Commitment:

The EREF License Application will be revised to include the changes identified in the markups provided in Enclosure 2 in Revision 3 of the EREF License Application.

cc:

Breeda Reilly, U.S. NRC Senior Project Manager

- 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 and confidential information, sensitive unclassified security-related information (SUNSI) contained in Enclosure 2 for Security-Related Markups of the Integrated Safety Analysis Report.

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 information sought to be protected should be withheld from public disclosure.
  - 1. For the sensitive unclassified security-related information (SUNSI) the information was identified as SUNSI by the NRC and by AES using the guidance in NRC Regulatory Issue Summary (RIS) 200531, "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 Special Nuclear Material."
  - 2. 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.
  - 3. The information sought to be withheld is not available in public sources, to the best of AES's knowledge and belief.


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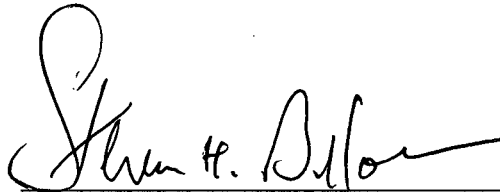
**Enclosure 1**  
**Affidavit of James A. Kay**

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 12, 2010.

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

  
\_\_\_\_\_  
Notary Public

Steven H. Bullock  
Notary Public  
Prince George's County  
State of Maryland  
Commission Expires June 28, 2010

