

June 1, 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 May 12, 2010, (transmitting an affidavit—Enclosure 1 to the letter, dated May 12, 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 Enclosure 2 to the letter.

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

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 the NRC Regulatory Issue Summary 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.

We reviewed the May 12, 2010, affidavit and Enclosure 2 to the letter in accordance with the requirements of 10 CFR 2.390 and concluded that the enclosure 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 also should 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 May 12, 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

cc: Jim Curtiss
Curtiss Law
P.O. Box 153
Brookville, MD 20833

George Harper
Vice President of Engineering
AREVA Enrichment Services
400 Donald Lynch Blvd
Marlborough, MA 01752

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," copies of this letter and of your May 12, 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

cc: Jim Curtiss
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