



10 CFR 70.5

February 19, 2010

AES-O-NRC-10-00285-0

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: Treatment Plan for Historic Site MW004 and Analysis of Obsidian Artifacts

On April 23, 2009, AREVA Enrichment Services LLC (AES) submitted a revised License Application to the U.S. Nuclear Regulatory Commission (NRC) to construct and operate the Eagle Rock Enrichment Facility (EREF) in Bonneville County, Idaho (Ref. 1).

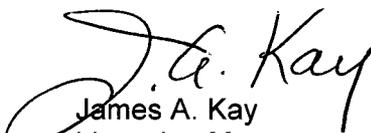
In accordance with the AES commitment in response to ER RAI #5 (Ref. 2) and to support preparation of the Memorandum of Agreement with the Idaho State Historic Preservation Office (SHPO), Enclosure 2 provides the Treatment Plan for mitigation of historic site MW004 on the EREF site. This plan outlines methods for obtaining archival and documentary information, conducting surface artifact collection, and gathering subsurface data through testing and excavation.

Additionally, Enclosure 3 provides a report prepared by Western Cultural Resource Management, Inc. (WCRM) on the geochemical analysis of obsidian artifacts collected from the EREF site. These artifacts were analyzed at the request of the SHPO.

Enclosures 2 and 3 contain proprietary information 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 Enclosures 2 and 3 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

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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References:

- 1) S. Shakir (AES) Letter to the U.S. Nuclear Regulatory Commission, Revision 1 to License Application for the Eagle Rock Enrichment Facility, dated April 23, 2009.
- 2) J. A. Kay (AES) Letter to the U.S. Nuclear Regulatory Commission, Response to Requests for Information – EREF Environmental Report, dated September 9, 2009.

Enclosures:

- 1) Affidavit of James A. Kay
- 2) A Treatment Plan for Historic Site MW004 in the Area of the Proposed Eagle Rock Enrichment Facility, Bonneville County, Idaho, WCRM Report No.09R130, dated January 28, 2010
- 3) Letter, Edward J. Stoner (WCRM) to Kenneth Reid (SHPO), dated December 18, 2009

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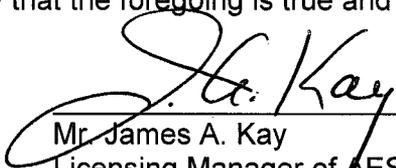
Breeda Reilly, U.S. NRC Senior Project Manager
Steve Lemont, U.S. NRC Senior Project Manager
Bruce Biber, Argonne National Laboratory
Ken Reid, Idaho State Historic Preservation Officer

- 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 Enclosures 2 and 3. Enclosures 2 and 3 contain information related to the EREF Cultural Resources Inventory 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. The information is sought to be withheld from public disclosure, because it indicates the location of possible historic sites exempt from public disclosure under Idaho State Law. Under Idaho Code 9-340E(1), records, maps, or other records indicating the location of archaeological or geophysical sites or endangered species, if not already known to the general public, are exempt from public disclosure.
 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.

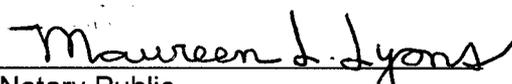
For all of the reasons discussed above, AES requests that the identified proprietary information be withheld from public disclosure.

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

Executed on February 19, 2010



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



Notary Public