

December 5, 2000

Mr. Bill Ferdinand
Rio Algom Mining Corporation
P.O. Box 1390
Glenrock, WY 82637

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,
SMITH RANCH *IN SITU* LEACH FACILITY, SUA-1548

Dear Mr. Ferdinand:

By your letter dated May 15, 2000, and the affidavit dated September 11, 2000, you submitted twenty-two diagrams showing the plant layout, instrument layout, electrical distribution, and process flow to the Nuclear Regulatory Commission during the May 15, 2000, site visit. Specifically, drawing numbers:

SRP-206	SRA-205	SRB-400
SRA-101	SRA-206	SRB-401
SRA-102	SRA-207	SRB-405
SRA-200	SRA-208	SRB-417
SRA-201	SRA-209	SRB-420
SRA-202	SRA-210	SRB-421
SRA-203	SRA-211	
SRA-204	SRA-212	

This information was requested to support a hazard and consequence analysis for *in situ* leach facilities performed by an NRC contractor.

The affidavit stated the twenty-two drawings should be considered exempt from mandatory public disclosure for the following reasons:

“The information identified in paragraph (2) [of the affidavit] is classified as ‘CONFIDENTIAL AND PROPRIETARY’ materials because it contains detailed information developed by Rio Algom Mining Corp. and/or its consultants, and is not otherwise available to the public. The development of said information was achieved at significant cost to Rio Algom Mining Corp. The research, development, engineering, and analytical costs comprise a substantial investment of time and money by Rio Algom Mining Corp.”

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B. Ferdinand

Public disclosure of the information requested to be withheld as 'CONFIDENTIAL AND PROPRIETARY' is likely to cause significant harm to Rio Algom Mining Corp.'s competitive market position and reduce its profit making opportunities.

The disclosure of such information in paragraph (2) [of the affidavit] would unfairly provide competitors with a windfall, and deprive Rio Algom Mining Corp. the opportunity to exercise its competitive advantage to seek and adequate return on its investment in developing and applying the said information."

We have reviewed your submitted materials in accordance with the requirements of 10 CFR 2.790 and , on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information. Therefore, the twenty-two drawings marked as CONFIDENTIAL, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future, such that the information could then be made available for public inspection, 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.

If you have any questions concerning this letter, please contact the NRC Project Manager, Mr. Michael Layton, at (301) 415-6676 or e-mail mcl@nrc.gov.

Sincerely,

/RA/ M. Fliegel for

Philip Ting, Chief
Fuel Cycle Licensing Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards

Docket No. 40-8964
License No. SUA-1548

cc: Pat Mackin, CNWRA

December 5, 2000

B. Ferdinand

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Sincerely,
/RA/
Philip Ting, Chief
Fuel Cycle Licensing Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards

Docket No. 40-8964
License No. SUA-1548

cc: Pat Mackin, CNWRA
Docket No. 40-8964
License No. SUA-1548
Casework: J5220 Task 10

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