

RAS 4961

RELATED CORRESPONDENCE

KING, KING & CHAPMAN, P.L.L.C.
ATTORNEYS AT LAW
125 SOUTH MAIN STREET
GREENEVILLE, TENNESSEE 37743

DOCKETED
USNRC

October 28, 2002 (11 30AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

KYLE K KING (1999)

TELEPHONE
(423) 639-6881
FACSIMILE
(423) 639-3629

K. KIDWELL KING, JR.
C. TODD CHAPMAN

JULIA B EVANS, PARALEGAL

September 16, 2002

Daryl Shapiro
SHAW PITTMAN, LLP
2300 N. Street, N.W.
Washington, DC 20037

- Via Facsimile (202) 663-8007 -

RE: In the Matter of Nuclear Fuel Services, Inc. (Erwin,
Tennessee)
Docket # 70-143-MLA

Dear Mr. Shapiro:

As you will recall, on September 12, 2002, I faxed to you a letter which requested that you send to me "...a full and complete copy of the License Amendment Application referenced by Judge Rosenthal" (Chapman to Shapiro letter dated September 12, 2002).

This afternoon I received a package from you which contained ninety-six (96) pages (including a one page cover letter).

Unfortunately, this document appears to be missing substantial portions of the "full and complete Application."

Your client does not claim that the items were withheld for national security reasons but, rather, because any disclosure "is likely to cause substantial economic harm to Nuclear Fuel Services, Inc (NFS)" (Affidavit of B. Marie Moore dated March 1, 2002 - copy attached).

I further note that in your client's February 28, 2002, letter to the Nuclear Regulatory Commission you make the following request:

The ISA Summary is considered proprietary information, as set forth in the enclosed affidavit; therefore, NFS request that this information be withheld from public disclosure.

Template=SECY-043

SECY-02

September 16, 2002
Shapiro - Page 2

You note in your cover letter dated September 13, 2002, that the application dated February 28, 2002, has been available from the NRC's reading room. Did you not mean to say that "selected portions" of the Application are available?

I once again reiterate my desire to obtain a full and complete copy of your client's Application for License Amendment.

Sincerely,


C. Todd Chapman

CTC/tlf

Enclosures

xc: Office of the Secretary,
Nuclear Regulatory Commission
(Fax No. 301-415-1101)

Judge Alan S. Rosenthal
(Fax No. 301-415-5599)

ENCLOSURE

AFFIDAVIT

I, B. Marie Moore, Vice President of Safety and Regulatory at Nuclear Fuel Services, Inc. (NFS), make the following representations that to the best of my knowledge and beliefs:

1. The following documents which Nuclear Fuel Services, Inc. (NFS) wishes to have withheld from public disclosure, are:

Attachment I, "Integrated Safety Analysis Summary: Blended Low Enriched Uranium (BLEU) Project—Uranyl Nitrate Building" to NFS letter B. M. Moore to Director, NMSS, dated February 28, 2002 (21G-02-0051), in its entirety.

Attachment II, "Decommissioning Financial Assurance Cost Estimate—Uranyl Nitrate Building" to NFS letter B. M. Moore to Director, NMSS, dated February 28, 2002 (21G-02-0051), in its entirety.

2. The information contained in the documents cited in 1 above has been held in confidence by Nuclear Fuel Services, Inc. (NFS) in that it is of a privileged and confidential commercial nature.
3. The information contained in the documents cited in 1 above is the intellectual property of Nuclear Fuel Services, Inc. (NFS) and as such is customarily held in confidence by Nuclear Fuel Services, Inc. (NFS). Nuclear Fuel Services, Inc. (NFS) has customarily submitted privileged and confidential information of this type to the Nuclear Regulatory Commission (NRC) and to its predecessor, the Atomic Energy Commission (AEC), in confidence.
4. The information contained in the documents cited in 1 above has not been made available to public sources by Nuclear Fuel Services, Inc. (NFS), nor has Nuclear Fuel Services, Inc. (NFS) authorized that it be made available.
5. The public disclosure of the information contained in the documents cited in 1 above is likely to cause substantial economic harm to Nuclear Fuel Services, Inc. (NFS).

B. Marie Moore 3/1/02
B. Marie Moore Date
Vice President
Safety and Regulatory

I certify the above named person appeared before me and executed this document on this the 1st day of March, 2002.

Antonia L. Lewis
Notary Public

My commission expires: 9-29-04

000007