

May 11, 2004

Ms. Margaret Harding, Manager
Fuel Engineering Services
Global Nuclear Fuel – Americas
P. O. Box 780
Wilmington, NC 28402

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE (TAC NO. MC0347)

Dear Ms. Harding:

By letter dated April 2, 2004, Global Nuclear Fuel – Americas (GNF-A) submitted an affidavit dated April 2, 2004, executed by you, requesting that information contained in the presentation material to be used for the April 19-20, 2004, GESTAR II review meeting be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

A nonproprietary copy of the presentation material was not provided for placement in the NRC's Public Document Room or for addition to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A's competitors without license from GNF-A constitutes a competitive economic advantage over other companies.
- b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the information contained in the presentation material for the April 19-20, 2004, GESTAR II review meeting, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(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 regarding this matter, I may be reached at (301) 415-3062.

Sincerely,
/RA/

Mel B. Fields, Senior Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 712

cc: See next page

M. Harding

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May 11, 2004

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Mel B. Fields, Senior Project Manager, Section 2
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Global Nuclear Fuel

Project No. 712

cc:

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