

August 4, 2004

Dr. Keith E. Asmussen, Director
Licensing, Safety & Nuclear Compliance
General Atomics
P.O. Box 85608
San Diego, CA 92186-9784

SUBJECT: GENERAL ATOMICS SUBMITTAL OF REVISED FINANCIAL DOCUMENTS
(2003) RE: FINANCIAL ASSURANCE FOR DECOMMISSIONING DATED
MARCH 31, 2004, PUBLIC DISCLOSURE DETERMINATION (TAC L31818)

Dear Dr. Asmussen:

This is in response to your letter and affidavit dated March 31, 2004, requesting that the guarantee be withheld from public disclosure pursuant to 10 CFR 2.390.

You stated that the submitted information should be considered exempt from public disclosure for the following reason:

The subject documents constitute confidential financial information of a privately-held corporation which has been held in confidence by the owner and are customarily held in such confidence, and are not available in public sources. Public disclosure would create substantial harm to the owner by providing detailed financial information to its competitors and other parties whose interest may be adverse to the owner.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 (formerly 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 version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(3) and Section 103(b) of the Atomic Energy Act of 1954, as amended. The non-proprietary version, which you submitted by letter dated July 9, 2004, will be made publicly available.

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 Nuclear Regulatory Commission (NRC). You should also 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, please contact Julie Olivier of my staff at (301) 415-8098 or by e-mail at jao@nrc.gov. Please reference the above TAC No. in future correspondence related to this determination.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Robert C. Pierson, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket: 70-143
License: SNM-124

If you have any questions regarding this matter, please contact Julie Olivier of my staff at (301) 415-8098 or by e-mail at jao@nrc.gov. Please reference the above TAC No. in future correspondence related to this determination.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Robert C. Pierson, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket: 70-143
License: SNM-124

DISTRIBUTION:

FCFB r/f R.Lukes, FCFB A.Adams, NRR M.Mendonca, NRR

E:\Filenet\ML042190018.wpd

ML

OFC	FCFB	FCFB	FCFB	FCFB	FCSS
NAME	J. Olivier	J. Muszkiewicz	J. Lubinski	G. Janosko	R. Pierson
DATE	5 /15 /04	5 / 5 /04	5/ 18 /04	8 / 4 /04	8 / 4/04

OFFICIAL RECORD COPY