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August 27, 2004

Kristina L. Banovac
Division of Waste Management and Environmental Protection
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: FMRI, Inc.
Docket No. 40-7580, License SMB-911

Dear Ms. Banovac:

Enclosed is the executed original of the Affidavit of Gary L. Tessitore which was Attachment 2 to FMRI's August 26, 2004 letter to Daniel Gillen. I would appreciate your making the substitution.

Thank you for your assistance in this matter.

Sincerely,



Mark J. Wetterhahn

Enclosure

Ums501

ATTACHMENT 2

STATE OF ILLINOIS)
)
COUNTY OF LAKE)
_____)

Affidavit of Gary L. Tessitore

I, Gary L. Tessitore, being first duly sworn according to law, under oath, depose and state:

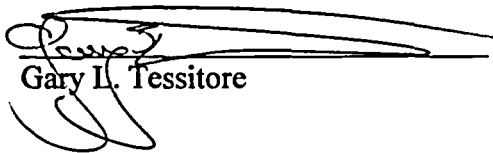
1. I am the Chairman, President and Chief Executive Officer of Fansteel Inc. ("Fansteel"). Fansteel has certain prescribed, bankruptcy court-approved, financial obligations to its subsidiary FMRI, Inc. ("FMRI"), the Nuclear Regulatory Commission ("NRC") licensee, including the payments on notes issued by Fansteel, related to the remediation of FMRI's Muskogee, Oklahoma site. Payments under the notes are partially dependent on Fansteel operating cash flows and cash on hand. To permit FMRI to plan its remediation activities for the Muskogee, Oklahoma site, Fansteel has made certain financial projections for the remainder of 2004, and the years 2005 and 2006. My duties include the review of the document entitled Cash Flow By Year By Operation, Fansteel Inc., which is being submitted to the NRC in conjunction with the proposed revision of the dates for commencing and completing Phase 1 of the remediation. It contains a summary of the aforementioned financial projections. I am authorized by Fansteel, the owner of this information, to execute this affidavit in support of Fansteel's request to withhold such information from public disclosure.

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2. The information consists of commercial financial information related to the operation of Fansteel and its affiliated entities. This information constitutes confidential and proprietary commercial information that should be held in confidence by the NRC, pursuant to 10 C.F.R. § 9.17(a)(4) and 10 C.F.R. § 2.390, for the following reasons:
 - (i) This information is of a type that is customarily held in confidence by Fansteel and other public companies. These materials, which are internal business projections not normally made public, could reveal Fansteel's financial projections, which could adversely affect Fansteel in financial negotiations and other dealings with its customers, and assist Fansteel's competitors. The information contained therein has not been and will not be released to the general public and was intended to remain confidential in order to preserve its value and usefulness.
 - (ii) This information is and has been held in confidence by Fansteel. Its disclosure outside the company is strictly limited and controlled.
 - (iii) This information is being transmitted to the NRC in confidence.
 - (iv) To the best of my knowledge, this information is not available through public sources, and could not be gathered readily from other publicly available information.
 - (v) Public disclosure of this information would create substantial harm to the competitive interests of Fansteel by disclosing sensitive financial information to competitors and other parties whose interests may be adverse to those of Fansteel.

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- (vi) The entire document contains commercial financial information which cannot meaningfully be segregated from non-confidential material.
3. Accordingly, Fansteel requests that the designated information be withheld from public disclosure pursuant to 10 C.F.R. §§ 2.390(a)(4) and 9.17(a)(4).


Gary L. Tessitore

Subscribed and sworn to me, a Notary Public, this 26th day of August, 2004.

My Commission expires: 1-21-07


(Notary Public)

