

December 22, 2004

Mr. H. Shamkhani, Vice President
Logistics and Engineering Services
Duratek Services Inc.
140 Stoneridge Drive
Columbia, SC 29210

SUBJECT: DURATEK SERVICES INC. REQUEST TO WITHHOLD INFORMATION FROM
PUBLIC DISCLOSURE RELATED TO FUTURE MEETING REGARDING
DECOMMISSIONING OF LA CROSSE BOILING WATER REACTOR

Dear Mr. Shamkhani:

By letter dated December 6, 2004, Dairyland Power Cooperative (DPC) submitted a request for a meeting with U.S. Nuclear Regulatory Commission staff to discuss the decommissioning of the La Crosse Boiling Water Reactor, specifically a decommissioning alternative developed by its contractor [Duratek Services Inc. (Duratek)]. DPC also requested that the meeting agenda and meeting discussions be withheld from public disclosure, pursuant to 10 CFR 2.390, as Duratek considers the concepts to be discussed in the future meeting confidential commercial information. On December 6, 2004, Duratek submitted an affidavit, supporting DPC's request.

The affidavit stated that the meeting agenda and meeting discussions should be considered exempt from mandatory public disclosure for the following reasons:

- The unique decommissioning approach to be discussed is considered confidential information that includes Company trade secrets incorporated into such plans and processes.
- The concepts to be presented during the meeting contain the type of information Duratek regards as protected and of the type not to be disclosed to unauthorized persons.
- The information designated as confidential is not available from public sources.
- Public disclosure of the information would cause substantial harm to the competitive position of Duratek and may also result in the loss of Duratek's commercial opportunity to consider this decommissioning project.
- Duratek could lose the financial opportunity and business associated with other projects similar in nature.

We have reviewed your affidavit 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 confidential commercial information and should be withheld from public disclosure. Therefore, the meeting agenda marked as confidential, as well as the discussions in the future meeting, 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.

Mr. Shamkhani

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Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. 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, please contact Kristina Banovac of my staff, at 301-415-5114 or klb@nrc.gov.

Sincerely,

/RA/

Claudia Craig, Section Chief
Reactor Decommissioning Section
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 50-409

cc: See next page

Mr. Shamkhani

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Sincerely,

/RA/

Claudia Craig, Section Chief
Reactor Decommissioning Section
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 50-409

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DCD r/f NMSS/DWMEP r/f Brooke Smith Dan Gillen

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*See previous concurrence

OFC	DCD*	DCD*	DCD
NAME	KBanovac	TMixon	CCraig
DATE	12/13/04	12/14/04	12/22/04

OFFICIAL RECORD COPY

cc:

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