

January 18, 2005

Mr. Charles M. Vaughan
Manager - Facility Licensing
Global Nuclear Fuel - Americas, LLC
P.O. Box 780
Wilmington, NC 28402

SUBJECT: PUBLIC DISCLOSURE DETERMINATION (TAC NO. L23695)

Dear Mr. Vaughan:

By letter dated January 21, 2004, Global Nuclear Fuel - Americas, LLC (GNF-A) submitted a request to amend Certificate of Compliance No. 4986 for the Model No. RA-3 transportation package. On December 3, 2004, GNF-A submitted responses to the staff's request for additional information dated May 26, 2004. This submittal includes proprietary and non-proprietary versions of the updated criticality analysis that supports the amendment request. The non-proprietary version of this submittal has been made available electronically for public inspection in the U.S. Nuclear Regulatory Commission (NRC's) Public Document Room or from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS), under accession number ML043570117. ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). GNF-A requested that the proprietary version of the submittal be withheld from public disclosure pursuant to 10 CFR 2.390.

The letter dated December 3, 2004, included an affidavit executed by Lon E. Paulson on the same date that requested Attachment 5 of the submittal, identified as Appendix 8-J(a), to be withheld from public disclosure pursuant to 10 CFR 2.390. Specifically, the information requested to be withheld from public disclosure in this attachment is identified below:

- Specific design dimensions and tolerances of fuel pellets and cladding, for the Type GNF2 10x10 BWR fuel design.

The affidavit states that the submitted information should be withheld from public disclosure for the following reasons:

1. The information 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.
2. The information, 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.

Based on your December 3, 2004, submittal, our review of the proprietary information listed, and the requirements of 10 CFR 2.390, we have determined that this information is proprietary commercial information and should be withheld from public disclosure pursuant to

10 CFR 2.390. It is the NRC's policy to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprized of the basis for and effects of licensing and rulemaking actions.

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 disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. Please be advised 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 withheld 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.

Sincerely,

/RA/

Jose R. Cuadrado, Project Engineer
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-4986
TAC No. L23695

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Sincerely,
/RA/
Jose R. Cuadrado, Project Engineer
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 71-4986
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