

January 18, 2005

Mr. Allen Hsu
Vice President Engineering &
Chief Technology Officer
HF Controls Corporation
16650 Westgrove Drive
Suite 500
Addison, TX 75001

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NO. MC5380)

Dear Mr. Hsu:

By letter dated December 30, 2004, HF Controls Corporation (HFC) submitted an affidavit dated January 5, 2005, executed by you requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

"HFC-6000 Safety System Topical Report"

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added 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) The information sought to be withheld from public disclosure is owned and has been held in confidence by HFC Corporation.
- (b) The information is of a type customarily held in confidence by HFC and not customarily disclosed to the public.
 - Its use by a competitor would reduce his expenditure of resources and improve his competitive position in the design, manufacture, installation, assurance of quality, or licensing a digital based I&C [instrumentation and control] system.
 - It reveals cost or price information, production capacities, budget levels, or commercial strategies of HFC, its customers or suppliers.
 - It reveals aspects of past, present, or future HFC or customer funded development plans and programs of potential commercial value to HFC.
 - It contains patentable ideas, for which patent protection may be desirable.

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 version of the submitted information 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 301-415-1436.

Sincerely,

/RA/

Drew Holland, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 731

cc: J. Mauck
P.O. Box 88
Dayton, MD 21036

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