

March 23, 2005

Mr. Patrick L. Paquin  
General Manager, Engineering & Licensing  
Duratek, Inc.  
140 Stoneridge Drive  
Columbia, SC 29210

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
DURATEK SPENT NUCLEAR FUEL TRANSPORTATION PROGRAM  
(TAC NO. D91261)

Dear Mr. Paquin:

By letter dated February 8, 2005, and affidavit dated June 15, 2001, executed by Roberta Summers, County of Lexington, State of South Carolina, Patrick L. Paquin, General Manager, Engineering & Licensing, Duratek, Inc. submitted for review, Duratek Procedure, TR-HM-004, Rev. 0, "Safeguards Information Procedure," dated February 7, 2005, and requested that it be withheld from public disclosure pursuant to 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a. Duratek, as part of its radioactive waste management services, provides radioactive waste packaging and transportation equipment, which in certain key respects are unique.
- b. Duratek has always held detailed information including certain certification data in confidence.
- c. The program developed for managing the safe transport of radioactive materials including spent nuclear fuel and highway route controlled quantities of radioactive material are considered confidential information that includes Company secrets and security details that are incorporated into such processes, and the data contained in the proprietary information submitted to the Commission contains the type of information Duratek regards as protected and of the type not to be disclosed to unauthorized persons.
- d. Duratek considers this information to be confidential and public disclosure of this information would cause substantial harm to the competitive position of Duratek.
- e. The Company has made substantial investments in salaries and capital equipment and has committed to refine and improve Duratek's radioactive waste management system. Competitors of Duratek would have great difficulty in duplicating the system developed by Duratek, due not only to the financial investment of Duratek, but also to the unique skills, talents, and expertise of Duratek employees who have adapted this packaging.

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.

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 301-415-6332.

Sincerely,

*/RA/*

Joseph W. Shea, Project Director  
Nuclear Security Policy Project Directorate  
Division of Nuclear Security  
Office of Nuclear Security and Incident Response

Docket No. 07003067

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Docket No. 07003067

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\*see previous concurrence

: Public            9Non-public            9 Sensitive            : Non-sensitive

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