



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

May 31, 2006

Docket No. 03030292  
Control No. 138653

License No. 06-13053-04

Willy Scherf  
Chief Financial Officer  
Bayer Corporation  
100 Bayer Road  
Pittsburgh, PA 15205-9741

**SUBJECT: BAYER CORPORATION, REQUEST FOR WITHOLDING INFORMATION  
CONTAINED IN FINANCIAL STATEMENT FROM PUBLIC DISCLOSURE,  
CONTROL NO. 138653**

Dear Mr. Scherf:

By letter from Bayer Corporation dated March 27, 2006, and affidavit dated March 23, 2006, you submitted confidential material consisting of your Financial Statement ending December 31, 2005, and independent auditors' report, requesting that it be withheld from public disclosure pursuant to 10 CFR 2.390. This letter is our response to your request.

You state that the submitted information should be considered exempt from public disclosure for the following reasons:

1. This information is a business financial trade secret; and
2. This information is not routinely made available outside of Bayer.

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 does contain confidential information. Therefore the Financial Statement included with your letter dated March 27, 2006 marked as confidential 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. Your request for withholding will be maintained by Region 1 indefinitely.

Withholding documents 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 the information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreement for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could be made available for public inspection, you should promptly notify the U. S. Nuclear Regulatory Commission (NRC). You should understand that NRC may have cause to review this determination in the future (e.g. if the scope of a Freedom of

W. Scherf  
Bayer Corporation

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Information Act request includes your information). In all review situations, if NRC makes a determination adverse to the decision above, you will be notified in advance of any public disclosure.

If you have any questions concerning this action, please feel free to contact Dennis Lawyer at 610 337-5366.

Sincerely,

***Original signed by James P. Dwyer***

James P. Dwyer, Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

cc:  
Joseph Catino, Ph.D., Executive Vice President-Research

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**SISP Review Complete: DLawyer**

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| OFFICE | DNMS/RI     | N | DNMS/RI     | N | DNMS/RI    | N |  |  |
| NAME   | DLawyer/DRL |   | KFarrar/KLF |   | JDwyer/JPG |   |  |  |
| DATE   | 05/31/2006  |   | 5/31/2006   |   | 5/31/2006  |   |  |  |

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