

May 6, 2008

Mr. Dealis W. Gwyn, Licensing Manager  
Shaw AREVA MOX Services  
P.O. Box 7097  
Aiken, SC 29804-7097

SUBJECT: THE U.S. NUCLEAR REGULATORY COMMISSION APPROVAL FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR THE  
MIXED OXIDE FUEL FABRICATION FACILITY

Dear Mr. Gwyn:

By application and affidavit, dated December 17, 2007, Shaw AREVA MOX Services (MOX Services) submitted the following documents and requested that they be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390. The documents were: (a) updated license application for the Mixed Oxide Fuel Fabrication Facility (MFFF) (proprietary and redacted versions); and (b) updated Integrated Safety Analysis (ISA) summary associated with the license application to possess radioactive material for the MFFF. Your reasons for requesting our withholding information from public disclosure for the ISA Summary were security related and business proprietary.

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

1. The information sought to be withheld from public disclosure is owned by MOX Services, its partners, and/or affiliates, and has been held in confidence by the same.
2. The information is of a type that would customarily be held in confidence by MOX Services, its partners, and/or affiliates. The information consists of design details and processing methods and mechanisms relative to a method of processing that provide a competitive advantage to MOX Services, its partners, and/or affiliates.
3. The information was transmitted to The U.S. Nuclear Regulatory Commission (NRC) in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the NRC.
4. The information sought to be protected is not available in public to the best of our knowledge and belief.
5. The proprietary information sought to be withheld in this submittal is marked in the proprietary version and omitted from the non-proprietary version (to be submitted in the future). This information describes MOX Services' design for the MFFF. This information enables MOX Services, its partners, and/or affiliates to support the license application for the MFFF.
6. The proprietary information sought to be withheld from public disclosure has substantial commercial value to MOX Services, its partners, and/or affiliates.

-It allows MOX Services to reduce vendor and consultant expenses associated with supporting the licensing of fuel fabrication plants.

-MOX Services may sell the information to nuclear utilities, vendors, and consultants for the purpose of supporting the licensing of fuel fabrication plants.

-The subject information could only be duplicated by competitors at similar expense to that incurred by MOX Services, its partners, and/or affiliates

7. Public disclosure of this information is likely to cause harm to MOX Services, its partners, and/or affiliates because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring commensurate expense or allowing MOX Services, its partners, and/or affiliates to recoup a portion of its expenditures or benefit from the sale of the information.

We have reviewed your application and other supporting submittals 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 security related information and should be withheld from public disclosure.

Therefore, the version of the submitted documents 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 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 of the date of public disclosure, in advance which will be a reasonable time thereafter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agency wide Documents Access and Management System (ADAMS).

D. Gwyn

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ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions, please give me a call at (301)-492-3229.

Sincerely,

*/RA/*

David H. Tiktinsky, Senior Project Manager  
MOX Branch  
Special Projects and Technical Support Directorate  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

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David H. Tiktinsky, Senior Project Manager  
MOX Branch  
Special Projects and Technical Support Directorate  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 70-3098

cc:	G. Smith, NNSA	A.J. Eggenberger, DNFSB
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