

June 21, 1995

License Nos. SMB-179
SUB-1452

Docket Nos. 040-00572
040-08866

Control Nos. 117006
113010

Mr. Frank J. Vumbaco
Vice President, Health and Safety
Nuclear Metals, Inc.
2229 Main Street
Concord, MA 01742

SUBJECT: REQUEST FOR WITHHOLDING

Dear Mr. Vumbaco:

Your letter dated April 14, 1995, enclosed an application for withholding, an affidavit from Mr. Donald King, Manager, Sales and Contracts for Nuclear Metals, Inc. (NMI), dated April 13, 1995, and a Bates-numbered and marked copy of a contract between Olin Corporation and NMI (Olin Contract) dated March 25, 1994, and requested that the marked pricing data be withheld from public disclosure pursuant to 10 CFR 2.790. The Olin Contract was provided to NRC during an enforcement conference between NRC and NMI held on December 8, 1994.

The application enclosed with NMI's letter dated April 14, 1995, states that the NMI confidential pricing data identified in the marked copy of the Olin Contract, should be withheld from public disclosure for the following reasons:

- (a) NMI has held the marked pricing data in confidence, and has shared the information with only the Olin Corporation and NRC, and is not aware of any public source from which any third party can obtain the information.
- (b) The pricing data, if disclosed, may harm NMI with respect to its competitive position with the only other manufacturer of a certain product with respect to competitive bidding for future Olin Corporation and U.S. Army contracts.

We have reviewed NMI's application and the material based on the requirements and criteria of 10 CFR 2.790, and have determined that the marked pricing data in the Olin Contract dated March 25, 1994, sought to be withheld contain trade secrets, or privileged or confidential commercial or financial information. Therefore, we will withhold the marked pricing data from public disclosure.

Withholding from public inspection does 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

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F. J. Vumbaco
Nuclear Metals, Inc.

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 notify the NRC promptly. You also should understand that the NRC may have cause to review this determination in the future, such as, 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 disclosure.

Sincerely,

Original Signed By:

John D. Kinneman

John D. Kinneman, Chief
Site Decommissioning Section
Facilities Radiological Safety and
Safeguards Branch
Division of Radiation Safety
and Safeguards

Enclosure:

~~Non-Proprietary~~ Version of Olin Contract dated March 25, 1994

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