

February 14, 1995

License Nos. SUB-179
 SUB-1452

Docket Nos. 040-00672
 040-008866

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:

By your letter dated January 11, 1995, that among other things, enclosed an application and affidavit dated December 31, 1994, you identified proprietary information in a report entitled "Decommissioning Cost Estimate (DCE)" dated May 13, 1994, and requested that the bracketed version be withheld from public disclosure pursuant to 10 CFR 2.790. We note your Application for Withholding dated April 15, 1994, regarding this DCE was denied in part, as documented by my letter to you dated December 7, 1994, because it referred to future submittals to NRC.

In the January 11, 1995 application, you stated that the proprietary information should be considered exempt from public disclosure for the following reasons:

- (a) NMI had held the information in the DCE in confidence, marked the DCE as "Company Private" prior to submission to NRC, and is not aware of any public source from which a third party can obtain the proprietary information in the DCE.
- (b) The information contains "trade secrets, or privileged or confidential commercial or financial information," which, if disclosed, may potentially allow your sole competitor to determine various details, such as NMI's operating costs, which the competitor could apply in bidding for Army contracts.
- (c) The information contains wage scales of the company for specific jobs and negotiated prices for outside labor, shipment and disposal/storage of waste.

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We have reviewed your application and the material based on the requirements and criteria of 10 CFR 2.790 and have determined that the bracketed proprietary information sought to be withheld contains trade secrets, or privileged or confidential commercial or financial information. Therefore, we will withhold the document 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 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 should also 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 public disclosure.

By your letter dated January 11, 1995 that enclosed another application, and affidavit dated December 31, 1994, you identified proprietary information for specific materials that were presented to NRC during the December 8, 1994 Enforcement Conference. We will respond to your Application to Withhold from public disclosure specific information from the enforcement conference in separate correspondence to you.

Sincerely,

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

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F. J. Vumbaco

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