

FEB 14 1985

Docket 70-687

Union Carbide Corporation  
Sterling Forest Research Center  
Tuxedo, New York 10987  
and  
Cintichem, Inc.  
P. O. Box 816  
Tuxedo, New York 10987

Gentlemen:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

By your application and affidavit dated December 12, 1984 you submitted a joint application for transfer of Special Nuclear Material License No. SNM-639 and requested that a portion be withheld from public disclosure pursuant to 10 CFR 2.790.

You stated that a portion of the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. The information contained in Attachment 1 is confidential and not available to competitors of Cintichem and Medi-Physics.
2. Its release could result in a competitive advantage to other firms in the pharmaceutical manufacturing market.
3. The financial information is customarily held in confidence by privately held companies to protect their competitive market position.
4. The information has been submitted to and received by the Commission in confidence.
5. The financial information is not available in public sources and is not known to competitors of Medi-Physics, Inc. and Cintichem, Inc.
6. Release of the data could result in a competitive advantage to other firms in the pharmaceutical manufacturing market, thereby substantially harming the market position of Medi-Physics and Cintichem.
7. This information could not be property acquired by others.

We have reviewed your application and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of you statements, have determined that the submitted information sought to be withheld contains proprietary commercial information.

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Therefore the portion of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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 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.

Sincerely,

Original signed by  
Leland C. Rouse

Leland C. Rouse, Chief  
Advanced Fuel and Spent Fuel  
Licensing Branch  
Division of Fuel Cycle and  
Material Safety

Distribution: Please return concurrence  
~~Central File~~ copy to FBrown SS 396

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- NMSS R/F
- FCAF R/F
- PDR
- LCRouse
- ATClark
- HBernard, ~~SS~~ NRR
- LCRouse
- FBrown (LA file)
- EShoemaker, ELD
- M. Karman, ELD

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OFFICE	FCAF <i>ATC</i>	ELD <i>ES</i>	FCAF <i>ES</i>				
SURNAME	ATClark;flb.	EShoemaker	LCRouse				
DATE	74205 2/11/85	2/14/85	2/14/85				