

November 5, 2010

Carmen Bigles, President and CEO
Coqui Radio Pharmaceuticals Corp.
P.O. Box 958
Bayamon, P.R. 00960-0958

SUBJECT: COQUI RADIOPHARMACEUTICALS: DENIAL OF REQUEST FOR
WITHHOLDING THE OCTOBER 6, 2010 CLOSED MEETING AGENDA

Dear Mrs. Bigles:

You submitted an affidavit dated May 21, 2010, executed by you, Carmen I. Bigles, requesting that Enclosure (1), Coqui Radiopharmaceuticals Corp. Agenda for October 6th, 2010 Closed Meeting to Discuss Next Steps, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390

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

- i. This information is and has been held in confidence by Coqui.
- ii. This information is of a type that is customarily held in confidence by Coqui, and there is a rational basis for doing so because the information includes sensitive business information pertaining to the costs of constructing and operating the MIPF.
- iii. The information is being transmitted to the NRC voluntarily and in confidence.
- iv. This information is not available in public sources and could not be gathered readily from other publicly available information.
- v. Public disclosure of this information would create substantial harm to the competitive position of Coqui by disclosing the costs of constructing and operating the MIPF. Development and evaluation of this commercial information was achieved at, and disclosure could lead to additional, significant cost to Coqui.
- vi. Public disclosure of the information sought to be withheld is likely to cause substantial harm to Coqui's competitive position and foreclose or reduce the availability of profit-making opportunities. The value of the information goes beyond the disclosure of actual information pertaining to Coqui's business, and includes substantial time and work towards developing the MIPF project, and represents significant efforts by Coqui and its associates.
- vii. Coqui's competitive advantage will be lost if its competitors are able to use Coqui's cost estimates to aid their own commercial activities. The value of this information to Coqui would be lost if the information were disclosed to the public. Making such information available to other entities without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Coqui of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the

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submitted information sought to be withheld does not contain proprietary commercial information and shall not be withheld from public disclosure.

Therefore, the Enclosure (1) will not 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.

The basis for which is that the Agenda for October 6th, 2010 Closed Meeting to Discuss Next Steps does not contain any proprietary information. It only contains general information similar to that in the Agenda for October 6th Open Meeting to Discuss Next Steps. Therefore, this information will be made public within 10 days of the date of this letter unless there is an objection.

If you have any questions regarding this matter, I may be reached at 301-415-3281.

Sincerely,

/RA/

Mary Jane Ross-Lee, Branch Chief
Research and Test Reactors Projects Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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Mary Jane Ross-Lee, Branch Chief
Research and Test Reactors Projects Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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NAME	TLichatz	MVoth	GLappert	JSuttenberg	MRoss-Lee	MVoth /MRoss-Lee for/
DATE	10/15/2010	10/18/2010	10/19/2010	11/4/2010	11/5/2010	11/5/2010

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