

December 31, 2013

Mr. Philip Haney
Program Manager
Kriss USA, Inc.
2697 International Parkway
Virginia Beach, VA 23452

SUBJECT: NRC APPROVAL OF KRISS USA, INC. REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Haney:

Kriss USA, Inc. submitted an affidavit dated August 26, 2013, executed by Ms. Rachael Anne McBee, requesting that the information contained in the technical drawings and assembly procedures be withheld from public disclosure pursuant to 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons: (1) the information contains design details of Kriss USA, Inc. device and would cause substantial harm if revealed to competitors, and (2) the information sent to the U.S. Nuclear Regulatory Commission (NRC) is not available in any other public sources.

We have reviewed your application and the material 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 should be withheld from public disclosure.

Therefore, Kriss USA, Inc. technical drawings and assembly procedures in application dated February 13, 2013, 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.

P. Haney

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If you have any questions, please contact me at (301) 415-6004, or e-mail Hector.Rodriguez-Luccioni@nrc.gov

Sincerely,

/RA/

Hector Rodriguez-Luccioni, PH.D.
Licensing Branch
Division of Materials Safety and
State Agreements
Office of Federal and State Materials
and Environmental Management Programs

If you have any questions, please contact me at (301) 415-6004, or e-mail Hector.Rodriguez-Luccioni@nrc.gov

Sincerely,

Hector Rodriguez-Luccioni, PH.D.
Licensing Branch
Division of Materials Safety and
State Agreements
Office of Federal and State Materials
and Environmental Management Programs

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NAME	HRodriguez-Luccioni	HRodriguez-Luccioni for MArribas-Colon	JJankovich	JJankovich for MKotzalas	HRodriguez-Luccioni
DATE	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13

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