



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 21, 2020

Mr. Bennett Lee, Chief Executive Officer
Eden Radioisotopes, LLC
6100 Indian School Road NE, Suite 125
Albuquerque, NM 87110

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR EDEN RADIOISOTOPES, LLC (EPID NO. L-2019-LLL-0027)

Dear Mr. Lee:

By letter dated July 14, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML20226A311 and ML20226A304), Eden Radioisotopes, LLC (Eden) submitted an affidavit executed by yourself which requested that the information contained in the following document be withheld from public disclosure pursuant to Section 2.390(a)(4) and Section 9.17(a)(4) of Title 10 of the *Code of Federal Regulations* (10 CFR):

Enclosure 2: NRC Pre-application meeting 7-16-2020 (Proprietary)

A nonproprietary copy of this document was provided in an e-mail dated July 17, 2020, from Michael Raddatz, Eden's Licensing Manager, and has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS at Accession No. ML20216A347.

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

- i. The presentation contains process and technical information about Eden components and process.
- ii. Eden is providing the NRC with the document and information in confidence.
- iii. The document is now, and has been, held in confidence by Eden. Eden does not customarily make this document available to the public. Eden has not authorized making this document available through 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 the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information 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 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 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 in advance of any public disclosure.

For future reference, 10 CFR 9.17 lists types of agency records that are exempt from public disclosure, where the NRC implements the provisions in the Freedom of Information Act.

If you have any questions regarding this matter, I may be reached at 301-415-4103.

Sincerely,

/RA/

Linh Tran, Senior Project Manager
Non-Power Production and Utilization Facility
Licensing Branch
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Project/Docket No. 99902077

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ADAMS Accession No.: ML20231A763***concurrence via e-mail****NRR-084**

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