



DUKE COGEMA  
STONE & WEBSTER

Proprietary

Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

10 June 2002  
DCS-NRC-000095

Subject: Docket Number 070-03098  
Duke Cogema Stone & Webster  
Mixed Oxide Fuel Fabrication Facility  
Construction Authorization Request  
Request for Withholding Information From Public Disclosure

Reference: (1) R. C. Pierson (NRC) letter to R. H. Ihde (DCS) dated 10 May 2002, *Request for Withholding Information From Public Disclosure (Mixed Oxide Fuel Fabrication Facility)*  
  
(2) P. S. Hastings (DCS) letter to Document Control Desk (NRC), DCS-NRC-000082, dated 11 February 2002, *Clarification of Responses to NRC Request for Additional Information*

Duke Cogema Stone & Webster (DCS) agrees with the NRC's conclusion that some of the information identified in Reference (1) should be released to the public. Accordingly, Enclosure A to this letter provides a page change to page 5 of Enclosure A of Reference 2.

A non-proprietary version of Enclosure A is being provided by separate letter. DCS requests that Enclosure A be withheld from public disclosure. Enclosure B provides the affidavit which attests to the proprietary nature of Enclosure A.

If you have any questions, please contact me at (704) 373-7820.

Sincerely,

*for* Peter S. Hastings, P.E.  
Licensing Manager

PO Box 31847  
Charlotte, NC 28231-1847

128 South Tryon Street, FC-12A  
Charlotte, NC 28202

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Enclosures: A. Response to Proprietary Finding  
B. Affidavit Pursuant to 10 CFR 2.790(b)(1)

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**Enclosure B**

**Affidavit Pursuant to 10 CFR 2.790(b)(1)**

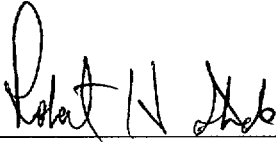
## AFFIDAVIT

1. I am President and Chief Executive Officer of Duke Cogema Stone and Webster, LLC; (“DCS”) and as such have the responsibility for reviewing information sought to be withheld from public disclosure in connection with design and licensing of the Mixed Oxide Fuel Fabrication Facility (the “MFFF”); and am authorized on the part of DCS to apply for this withholding.
2. I am making this affidavit in conformance with the provisions of 10CFR 2.790 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with DCS’s application for withholding, which accompanies this affidavit.
3. I have knowledge of the criteria used by DCS in designating information as proprietary or confidential.
4. Pursuant to the provisions of paragraph (b)(4) of 10CFR 2.790, the following is furnished for consideration by the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
  - (i) The information sought to be withheld from public disclosure is owned by DCS, its partners, and/or affiliates, and has been held in confidence by the same.
  - (ii) The information is of a type that would customarily be held in confidence by DCS, its partners, and/or affiliates. The information consists of design details and processing methods and mechanisms relative to a method of processing that provides a competitive advantage to DCS, its partners, and/or affiliates.
  - (iii) The information was transmitted to the NRC in confidence and under the provisions of 10CFR 2.790, it is to be received in confidence by the NRC.
  - (iv) The information sought to be protected is not available in public to the best of our knowledge and belief.
  - (v) The proprietary information sought to be withheld in this submittal is that which is marked in the proprietary version of the accompanying enclosure, and omitted from the non-proprietary version. This information describes DCS’ design for the MFFF. This information enables DCS, its partners, and/or affiliates to support license amendment applications for the MFFF.
  - (vi) The proprietary information sought to be withheld from public disclosure has substantial commercial value to DCS, its partners, and/or affiliates.
    - (a) It allows DCS to reduce vendor and consultant expenses associated with supporting the licensing of fuel fabrication plants.

- (b) DCS intends to sell the information to nuclear utilities, vendors, and consultants for the purpose of supporting the licensing of fuel fabrication plants.
- (c) The subject information could only be duplicated by competitors at similar expense to that incurred by DCS, its partners, and/or affiliates.

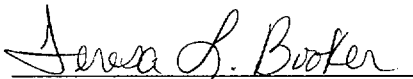
5. Public disclosure of this information is likely to cause harm to DCS, its partners, and/or affiliates because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring commensurate expense or allowing DCS, its partners, and/or affiliates to recoup a portion of its expenditures or benefit from the sale of the information.

R. H. Ihde, being duly sworn, states that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth within are true and correct to the best of his knowledge.



R. H. Ihde, President and CEO

Subscribed and sworn to on this 10 day of June, 2002



Notary Public

My Commission Expires:

**My Commission Expires June 01, 2005**

SEAL