



**Nuclear Fuel Services, Inc.**  
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AIRBORNE EXPRESS

21G-03-0312  
GOV-01-55-04  
ACF-03-0419

December 5, 2003

Director  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, DC 20555

- References:
- 1) Docket No. 70-143; SNM License 124
  - 2) Letter from B.M. Moore to NRC, License Amendment Request for BLEU Preparation Facility, dated October 11, 2002 (21G-02-0310)
  - 3) Letter from NRC to B.M. Moore, Nuclear Fuel Services, Inc., Blended Low-Enriched Uranium Preparation Facility Remaining Questions (TAC NO. L31693), dated October 17, 2003
  - 4) Letter from B.M. Moore to NRC, Responses to Remaining Questions Regarding License Amendment Request for BLEU Preparation Facility, dated October 31, 2003 (21G-03-0284)
  - 5) Letter from B.M. Moore to NRC, Responses to Remaining Question Numbers 28, 32, 39, 49, 50 and 51 Regarding License Amendment Request for BLEU Preparation Facility, dated November 5, 2003 (21G-03-0288)
  - 6) Letter from B.M. Moore to NRC, Revised Response to Question 39 Regarding License Amendment Request for BLEU Preparation Facility, dated November 7, 2003 (21G-03-0299)
  - 7) Letter from NRC to B.M. Moore, Nuclear Fuel Services, Inc., Further Clarification of Question 39: Red Oil Scenario/Chemical Safety (TAC NO. L31693), dated November 13, 2003

**Subject: Response to Further Clarification of Question 39 Regarding License Amendment Request for BLEU Preparation Facility**

Dear Sir:

Nuclear Fuel Services, Inc. (NFS) hereby responds to Question 39 of Reference 7 regarding the licensing action for the BLEU Preparation Facility (BPF).

nmssdl

This response (Attachment I) is considered proprietary information, as set forth in the enclosed affidavit; therefore, NFS requests that this information be withheld from public disclosure. You will find a non-proprietary version of this response suitable for public disclosure in Attachment II.

If you or your staff have any questions, require additional information, or wish to discuss this, please contact me, or Mr. Rik Droke, Licensing and Compliance Director at (423) 743-1741. Please reference our unique document identification number (21G-03-0312) in any correspondence concerning this letter.

Sincerely,

NUCLEAR FUEL SERVICES, INC.



B. Marie Moore  
Vice President  
Safety and Regulatory

JSK/lsm  
Enclosures

cc:  
Regional Administrator  
U.S. Nuclear Regulatory Commission  
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Mr. William Gloersen  
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ENCLOSURE

AFFIDAVIT  
TRADE SECRETS OR COMMERCIAL INFORMATION

I, B. Marie Moore, Vice President of Safety & Regulatory at Nuclear Fuel Services, Inc. (NFS), that to the best of my knowledge and beliefs attached hereto, as applicable), make the following representation contained herein:

- A. The following document which Nuclear Fuel Services, Inc. (NFS) wishes to have withheld from public disclosure is:
- Response to Further Clarification of Question 39 Regarding License Amendment Request for BLEU Preparation Facility**
- B. The information contained in the document cited in A above has been held in confidence by Nuclear Fuel Services, Inc. (NFS), in that it contains trade secrets or commercial information as specified in Title 10, Code of Federal Regulations, Part 2.790(a). The basis for requesting that this document(s) be withheld from public disclosure is explicitly marked on the cover page to each of the aforementioned documents and/or the top of each affected page, as appropriate, in accordance with 10 CFR 2.790(b)(i)(B).
- C. The information contained in the document cited in A above is the intellectual property of Nuclear Fuel Services, Inc. (NFS), and as such is customarily held in confidence by Nuclear Fuel Services, Inc. (NFS). As such, Nuclear Fuel Services, Inc. (NFS) has customarily submitted privileged and confidential information of this type to the Nuclear Regulatory Commission (NRC) and to its predecessor, the Atomic Energy Commission (AEC), in confidence.

The information contained in the document cited in A above has not been made available to public sources by Nuclear Fuel Services, Inc. (NFS), nor has Nuclear Fuel Services, Inc. (NFS) authorized that it be made available. In accordance with Nuclear Fuel Services, Inc. (NFS) policies governing the protection and control of information, proprietary information contained herein has been made available, on a limited basis, to others outside NFS only as required and under suitable agreement providing for nondisclosure and limited use of the information.

The public disclosure of the information contained in the document cited in A above is likely to cause substantial economic harm to the competitive advantage held by Nuclear Fuel Services, Inc. (NFS). The basis for withholding said information is that it contains distinguishing aspects of a process, methodology, or component(s), the exclusive use of which provides a competitive advantage for NFS in product optimization or marketability.

- D. The proprietary information that Nuclear Fuel Services, Inc. (NFS) requests to be withheld from public disclosure is contained in the entire document as so marked.

B Marie Moore 12/5/03  
B. Marie Moore Date  
Vice President  
Safety & Regulatory

I certify the above named person appeared before me and executed this document on this the 5<sup>th</sup> day of December, 2003.

Hilton L. Lewis  
Notary Public

My commission expires: 9/29/04

