

June 26, 2006

Mr. Edward G. Wallace, Senior General Manager-US Programs
Pebble Bed Modular Reactor (Pty) Ltd.
P.O. Box 9396
Centurion 0046
Republic of South Africa

SUBJECT: NRC APPROVAL OF PEBBLE BED MODULAR REACTOR (PTY) LTD. (PBMR)
REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Wallace:

This responds to your letter of May 11, 2006 (ML061420571) which resubmitted, after correction of errors, the below referenced document. By your application dated February 16, 2006 and PBMR affidavit dated February 16, 2006, executed by Edward G. Wallace, ADAMS Accession No. (ML060540393), you requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

“TECHNICAL DESCRIPTION OF THE PBMR DEMONSTRATION POWER PLANT,” PBMR REPORT 016956, REVISION 4, FEBRUARY 2006

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

- (1) The information discloses a process, method, or apparatus, including supporting data and analyses, where its use by competitors of PBMR without license from PBMR would constitute a loss of competitive economic advantage by PBMR over other companies; and
- (2) The information which, if used by a competitor, would reduce its expenditure of resources or improve its competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
- (3) Additionally, as stated in the May 11, 2006 submittal, some information is “Security-Related Information” pursuant to NRC Regulatory Issue Summary (RIS) 2005-31, “Control of Security-Related Sensitive Unclassified Nonsafeguards Information Handled by Individuals, Firms, and Entities Subject to NRC Regulation of the Source, Byproduct, and Special Nuclear Material,” dated December 22, 2005.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and and RIS 2005-31, and on the basis of your statements, have determined that the submitted information sought to be withheld contains trade secrets, proprietary commercial information, or “Security-Related Information,” and should be withheld from public disclosure.

Therefore, the proprietary version of the submitted information will be withheld from public

E. Wallace

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disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. The nonproprietary version has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ML061420577).

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.

If you have any questions regarding this matter, I can be reached at 301-415-5896.

Sincerely,

N. Prasad Kadambi */RA/*
Division of Risk Assessment and Special Projects
Office of Nuclear Regulatory Research

Project No. 732

cc: See next page

E. Wallace

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N. Prasad Kadambi */RA/*
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DATE	06/ 16 /06		06/ 19 /06		06/ 26 /06	

Letter to Edward G. Wallace from N. P. Kadambi dated: June 26, 2006

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