

August 30, 2006

Mr. R. M. Krich  
Senior Vice President, Regulatory Affairs  
UniStar Nuclear, LLC  
111 Market Place  
Suite 200  
Baltimore, MD 21202

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Krich:

By application and associated affidavit dated June 8, 2006 (ADAMS Accession No. ML061720048), you submitted information to the NRC regarding estimated schedule projections for follow-on U.S. Evolutionary Power Reactor (USEPR) license applications. You requested that the information marked as proprietary be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.390 (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 is considered confidential to UniStar Nuclear, LLC (UniStar) and its prospective USEPR alliance partners,
- (2) UniStar restricts disclosure and distribution of this information to a very limited number of individuals, both internal and external to the company, due to the commercial sensitivity of such information,
- (3) UniStar has refrained from publicly disclosing this information,
- (4) If the information were publicly disclosed, UniStar would suffer irreparable and incalculable harm. Specifically, UniStar's competitors would gain valuable insight into otherwise unavailable business strategies, plans, and schedules.

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, 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.

R. Krich

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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.

If you have any questions regarding this matter, I may be reached at 301-415-1311.

Sincerely,

**/RA/**

Larry J. Burkhart, Project Manager  
AP1000/EPR Projects Branch  
Division of New Reactor Licensing  
Office of Nuclear Reactor Regulation

cc: See next page

R. Krich

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**/RA/**

Lawrence J. Burkhart, Project Manager  
AP1000/EPR Projects Branch  
Division of New Reactor Licensing  
Office of Nuclear Reactor Regulation

cc: See next page

ACCESSION NUMBER: ML062350556

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