

July 12, 2007

James M. Bleigh, Manager
PCI / Engineered Systems Group
16047 West 110th Street
Lenexa, Kansas 66219

SUBJECT: PERFORMANCE CONTRACTING INCORPORATED (PCI) REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Bleigh:

By letter dated June 8, 2007, you submitted an affidavit dated June 8, 2007, requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

“Sure Flow[®] Suction Strainer - Suction Flow Control Device (SFCD) Principles and Clean Strainer Head Loss Design Procedures” (PCI Document No. SFSS-TD-2007-002, Revision 0)

“Sure Flow[®] Suction Strainer - Vortex Issues” (PCI Document No. SFSS-TD-2007-003, Revision 0)

“Sure Flow[®] Suction Strainer - Testing Debris Preparation and Surrogates” (PCI Document No. SFSS-TD-2007-004, Revision DRAFT-A)

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

- (4) Some examples of categories of information which fit into the definition of proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Performance Contracting, Inc.'s competitors without license from Performance Contracting, Inc. constitutes a competitive economic advantage over other companies;
 - b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;
 - c. Information which reveals cost or price information, production, capacities, budget levels, or commercial strategies of Performance Contracting, Inc., its customers, or its suppliers;

J. Bleigh

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- d. Information which reveals aspects of past, present, or future Performance Contracting customer-funded development plans and programs of potential commercial value to Performance Contracting, Inc.;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a, and (4)b, above.

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, "Sure Flow[®] Suction Strainer - Suction Flow Control Device (SFCD) Principles and Clean Strainer Head Loss Design Procedures", "Sure Flow[®] Suction Strainer - Vortex Issues", "Sure Flow[®] Suction Strainer - Testing Debris Preparation and Surrogates" 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.

If you have any questions regarding this matter, I may be reached at 301-415-1325.

Sincerely,

/RA/

James G. O'Driscoll, Project Manager
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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