

April 4, 2008

S. Robert Cochran
President, B&W Technical Services Group
P.O. Box 785
Lynchburg, VA 24505-0785

SUBJECT: BABCOCK & WILCOX TECHNICAL SERVICES GROUP REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Cochran:

By letter dated December 13, 2007, Babcock and Wilcox Technical Services Group (B&W) submitted an affidavit dated December 17, 2007, in which 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: Notice of Intent to Submit an Application to License and Operate a Medical Isotope Production System.

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

Because this is a new business venture and B&W is currently engaged in sensitive negotiations with business partners, disclosure at this time may adversely affect B&W's competitive position and ongoing negotiations. When these negotiations are complete, a public announcement of the partnership is anticipated; however disclosure prior to announcement could jeopardize the negotiations.

B&W has developed several new technical approaches in support of this effort, disclosure of which could adversely affect B&W's competitive position by informing competitors of the degree of maturity and viability of the program, thereby motivating them to increase efforts to develop competing technologies.

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 version(s) of 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.

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 301-415-3733.

Sincerely,

/RA/

Robert F. Kuntz, Project Manager
Research and Test Reactors, Branch A
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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Robert F. Kuntz, Project Manager
Research and Test Reactors, Branch A
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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