

May 16, 2011

D. E. Glenn
Medical Isotopes Production System
Program Manager
Babcock and Wilcox Technical Services Group, Inc.
2016 Mt. Athos Rd.
Lynchburg, VA 24505-5447

SUBJECT: BABCOCK & WILCOX TECHNICAL SERVICES GROUP, INC., REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME1401)

Dear Mr. Glenn:

I am acknowledging receipt of your letter dated February 21, 2011 "REQUEST FOR PLANNED MILESTONES – B&W TECHNICAL SERVICES GROUP" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11108A054). In addition, you submitted an affidavit dated February 8, 2011, executed by S. Robert Cochran, requesting that the information contained in the subject document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390.

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

Public disclosure of the schedules associated with the licensing and ultimate entry of B&W product into the ⁹⁹Mo market could compromise B&W's competitive position.

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, the "Request for Planned Milestone – B&W Technical Services Group" 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 Nuclear Regulatory Commission (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

D. Glenn

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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 301-415-2757.

Sincerely,

/RA/

Patricia A. Silva, Chief
Research and Test Reactors Project Branch
Office of Nuclear Reactor Regulation

Project No: PROJ0766

cc: S. Robert Cochran, President
Babcock and Wilcox Technical Services Group, Inc.
2016 Mt. Athos Rd.
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cc: S. Robert Cochran, President
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NRR-106

OFFICE	PRPB/PM	PRPB/LA	OGC	PRPB/BC
NAME	SSloan	GLappert	PHirsh	PSilva
DATE	5/3/2011	5/10/2011	5/12/2011	5/16/2011

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