

August 10, 2012

Steven W. Schilthelm
Acting MIPS Program Manager
B&W Technical Services Group, Inc.
800 Main St
Lynchburg, VA 24504

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

Dear Mr. Schilthelm:

By letter dated June 7, 2012, Babcock and Wilcox Technical Services Group, Inc. (B&W), submitted an affidavit dated June 6, 2012, executed by yourself, which requested that information contained in the following submitted letter be withheld from public disclosure pursuant to the Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

B & W Technical Services Group, Inc. – Plans for Submission of Applications for Medical Isotope Production Facilities

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

- a. Public disclosure of the activities and schedules associated with the licensing and ultimate entry of B&W product into the 99Mo market could compromise B&W's competitive position. The NRC licensing schedule for the MIPS facility can be correlated to the overall project schedule and more significantly the date when 99Mo produced by the B&W MIPS will enter the market. Information about schedule acceleration or delays has become very sensitive as a variety of companies maneuver for market position and funding. Previous public releases of schedules have already impacted sensitive project discussions and decisions. While B&W fully understands that submittal of licensing documents will be a public process, divulging information at this time could negatively impact ongoing negotiations.

We have reviewed your submittal 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 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 301-415-1404.

Sincerely,

/RA/

Xiaosong Yin, Project Manager
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. PROJ0766

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Docket No. PROJ0766

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