

March 1, 2006

Mr. Andrew A. Lingenfelter
Manager, Engineering
Global Nuclear Fuel
Castle Hayne Rd., M/C H25
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR DRAFT PRESENTATION MATERIALS FOR MARCH 2 AND 3, 2006,
MEETING ON ESBWR FUEL AND CRITICAL HEAT FLUX CORRELATION
(FLN 2006-009)

Dear Mr. Lingenfelter:

By letter dated February 21, 2006, and associated affidavit executed on February 21, 2006, you indicated that the draft presentation materials to be presented during a meeting with the NRC on March 2 and 3, 2006, "ESBWR Fuel Design and Critical Heat Flux (CHF) Correlation," should be withheld as proprietary. You requested that this information 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 discloses a process, method, or apparatus including supporting data and analyses, where prevention of its use by Global Nuclear Fuel-Americas, LLC (GNF-A) competitors without license from GNF-A constitutes a competitive economic advantage over other companies; and
- (2) The information, 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.

We have reviewed your letter and affidavit in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the 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 document. 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.

A. Lingenfelter

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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 Nuclear Regulatory Commission (NRC). You should also understand that the NRC may have cause to review this determination in the future, for example, if the scope of 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 301-415-2875.

Sincerely,

/RA/

Amy Cubbage, Senior Project Manager
New Reactor Licensing Branch
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 52-0010

cc: See next page

A. Lingenfelter

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Amy Cubbage, Senior Project Manager
New Reactor Licensing Branch
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

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ESBWR

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