

August 30, 2006

Mr. R. M. Krich
Senior Vice President, Regulatory Affairs
UniStar Nuclear, LLC
111 Market Place
Suite 200
Baltimore, MD 21202

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Krich:

By application and associated affidavit dated June 8, 2006 (ADAMS Accession No. ML061720048), you submitted information to the NRC regarding estimated schedule projections for follow-on U.S. Evolutionary Power Reactor (USEPR) license applications. You requested that the information marked as proprietary 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 is considered confidential to UniStar Nuclear, LLC (UniStar) and its prospective USEPR alliance partners,
- (2) UniStar restricts disclosure and distribution of this information to a very limited number of individuals, both internal and external to the company, due to the commercial sensitivity of such information,
- (3) UniStar has refrained from publicly disclosing this information,
- (4) If the information were publicly disclosed, UniStar would suffer irreparable and incalculable harm. Specifically, UniStar's competitors would gain valuable insight into otherwise unavailable business strategies, plans, and schedules.

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 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.

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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 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 301-415-1311.

Sincerely,

/RA/

Larry J. Burkhart, Project Manager
AP1000/EPR Projects Branch
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

cc: See next page

R. Krich

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Lawrence J. Burkhart, Project Manager
AP1000/EPR Projects Branch
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

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ACCESSION NUMBER: ML062350556

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NAME	LBurkhart:	SCoffin
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Distribution:

E-Mail:

NRR_DNRL

Kathryn Winsberg, OGC (KLW@nrc.gov)

rod.krich@constellation.com

george.wrobel@constellation.com

barbara.lee-murphy@constellation.com

trsmith@winston.com

sandra.sloan@areva.com

ronda.daflucas@areva.com

mark.beaumont@wsms.com

Distribution List:

Mr. Charles Brinkman
Westinghouse Electric Co.
Washington Operations
12300 Twinbrook Pkwy., Suite 330
Rockville, MD 20852

Mr. David Lochbaum, Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street, NW, Suite 600
Washington, DC 20006-3919

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. James Riccio
Greenpeace
702 H Street, NW, Suite 300
Washington, DC 20001

Mr. Adrian Heymer
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. George Alan Zinke
Project Manager
Nuclear Business Development
Entergy Nuclear
M-ECH-683
1340 Echelon Parkway
Jackson, MS 39213

Ms. Marilyn Kray
Vice President, Special Projects
Exelon Generation
200 Exelon Way, KSA3-E
Kennett Square, PA 19348

Mr. Laurence Parme
Manager, GT-MHR Safety & Licensing
General Atomics Company
P.O. Box 85608
San Diego, CA 92186-5608

Mr. Joseph D. Hegner
Lead Engineer - Licensing
Dominion Generation
Early Site Permitting Project
5000 Dominion Boulevard
Glen Allen, VA 23060

Mr. Edward L. Quinn
Longenecker and Associates
Utility Operations Division
23292 Pompeii Drive
Dana Point, CA 92629

Mr. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Mr. Jay M. Gutierrez
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Mr. W. Edward Cummins
AP600 and AP1000 Projects
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

Mr. Gary Wright, Manager
Office of Nuclear Facility Safety
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704

Mr. Brendan Hoffman
Research Associate on
Nuclear Energy
Public Citizens Critical Mass
Energy and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Lionel Batty
Nuclear Business Team
Graftech
12300 Snow Road
Parma, Ohio 44130

Mr. Ian M. Grant
Canadian Nuclear Safety Commission
280 Slater Street, Station B
P.O. Box 1046
Ottawa, Ontario
K1P 5S9

Mr. Glenn H. Archinoff
AECL Technologies
481 North Frederick Avenue
Suite 405
Gaithersburg, MD. 20877

Dr. Regis A. Matzie
Senior Vice President and
Chief Technology Officer
Westinghouse Electric Company
2000 Day Hill Road
Windsor, CT 06095-0500

Mr. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa

Mr. Dobie McArthur
Director, Washington Operations
General Atomics
1899 Pennsylvania Avenue, NW, Suite 300
Washington, DC 20006

Mr. Russell Bell
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Ms. Vanessa E. Quinn, Chief
Radiological Emergency
Preparedness Branch
Nuclear and Chemical Preparedness
and Protection Division
Department of Homeland Security
1800 South Bell Street, Room 837
Crystal City-Arlington, VA 22202-
3546

Mr. Ron Simard
6170 Masters Club Drive
Suwanee, GA 30024

Ms. Anne W. Cottingham
Assistant General Counsel
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006

Mr. David Repka
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006-3817

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Bethesda, MD. 20814

Mr. Eugene S. Grecheck
Vice President, Nuclear Support
Services
Dominion Energy, Inc.
5000 Dominion Blvd.
Glen Allen, VA 23060