

March 5, 2001

Mr. James F. Mallay
Director, Regulatory Affairs
Framatome ANP, Richland, Inc.
2101 Horn Rapids Road
Richland, WA 99352

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -
FRAMATOME ANP, RICHLAND, INC., RESPONSE TO REQUEST FOR
ADDITIONAL INFORMATION ON TOPICAL REPORTS EMF-2310(P)
REVISION 0 (TAC NO. MA7192) AND EMF-2328(P) REVISION 0 (TAC NO.
MA8022)

Dear Mr. Mallay:

By letter dated December 11, 2000, the staff sent a request for additional information (RAI), in order to complete its review of Topical Reports EMF-2310(P), Revision 0, "SRP Chapter 15 Non-LOCA Methodology for Pressurized Water Reactors" and EMF-2328(P), Revision 0, "PWR Small Break LOCA Evaluation Model, S-RELAP5 Based." By letter dated January 26, 2001, you provided the response to the RAIs. Your letter stated that some of the information contained in the response is considered to be proprietary and requested that the response be withheld from public disclosure pursuant to 10 CFR 2.790. You also stated that affidavits executed by Mr. J. S. Holm, dated November 22, 1999, and January 10, 2000, provided with the original submittals of Topical Reports EMF-2310(P) and EMF-2328(P) respectively, satisfy the requirements of 10 CFR 2.790(b) to support the withholding of this information from public disclosure. A non-proprietary version of this document has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

- (a) The information reveals details of SPC's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for SPC.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for SPC in product optimization or marketability.

- (e) The information is vital to a competitive advantage held by SPC, would be helpful to competitors to SPC, and would likely cause substantial harm to the competitive position of SPC.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 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 response to the RAI, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(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 301-415-1480.

Sincerely,

/RA/

Nageswaran Kalyanam, Project Manager, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 702

- (e) The information is vital to a competitive advantage held by SPC, would be helpful to competitors to SPC, and would likely cause substantial harm to the competitive position of SPC.

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Sincerely,

/RA/

Nageswaran Kalyanam, Project Manager, Section 1
Project Directorate IV & Decommissioning
Division of Licensing Project Management
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