

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.

Dear Mr. Mallay:

By letter dated October 10, 2000, and affidavit dated October 12, 2000, executed by Mr. Jerry S. Holm, Framatome ANP, Richland, Inc. (formally Siemens Power Corporation) submitted a copy of the vugraphs of the boiling water reactor and pressurized water reactor fuel design. These were part of the presentation made by Kraftwerk Union Aktiengesellschaft (KWU) engineers in Erlangen, Germany, to Ms. M. Chatterton of the U.S. Nuclear Regulatory Commission (NRC). Your letter also requested that the vugraphs be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version of the vugraphs was not submitted for placement in the NRC public document room.

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 vugraphs of the boiling water reactor and pressurized water reactor fuel design, which were part of the presentation made by KWU engineers and 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

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 vugraphs of the boiling water reactor and pressurized water reactor fuel design, which were part of the presentation made by KWU engineers in Erlangen, Germany, to Ms. M. Chatterton and 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

**DISTRIBUTION:**

PUBLIC

PDIV-2 Reading

SRichards

NKalyanam

EPeyton

JWermiel

MPSiemien, OGC

**ACCESSION NO.: ML010680032**

OFFICE	PDIV-2/PM	PDIV-2/LA	SRXB/BC	OGC	PDIV-2/SC
NAME	NKalyanam	EPeyton	JWermiel	MPSiemien	SDembek
DATE	2/27/01	2/23/01	2/27/01	3/01/01	3/05/01

OFFICIAL RECORD COPY