



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 19, 1996

Mr. J. H. Taylor, Manager
Licensing Services
Framatome Technologies Inc.
P.O. Box 10935
Lynchburg, VA 24506-0935

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR
FRAMATOME TECHNOLOGIES TOPICAL REPORT BAW-10122P

Dear Mr. Taylor:

By letter dated September 30, 1996, you submitted the report listed below for NRC review and requested that certain identified information be considered proprietary and withheld from public disclosure pursuant to 10 CFR 2.790. The report submitted is:

- Proprietary Topical Report BAW-10221P, "NEMO-K, A Kinetics Solution in NEMO."

You stated that the information has been held in confidence by Framatome Technologies Inc. (FTI) and should be considered exempt from mandatory public disclosure. By enclosed affidavit dated September 27, 1996, you provided reasons why this information should be considered proprietary. The reasons were based on the following criteria customarily applied by FTI to determine proprietary information.

- (b) The information reveals data or material concerning now research or development plans or programs of present or potential competitive advantage to FTI.
- (c) The use of the information by a competitor would decrease his expenditures, in time or resources, in designing, producing or marketing a similar product.
- (d) The information consists of test data or similar data concerning a process, method, component, the application of which results in a competitive advantage to FTI.

We have reviewed the information and the report you submitted in accordance with the requirements of 10 CFR 2.790 and, on the basis of statements by FTI, have determined that the submitted information sought to be withheld does contain trade secrets or proprietary commercial information.

Therefore, we have determined that the information identified as proprietary in the above document, which is 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. However, a nonproprietary version of the submittal, i.e. without the proprietary information and not stamped

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proprietary, is required to be submitted within 30 days of the date of this letter, [10 CFR 2.790 (b) (1) (ii)].

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 disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also understand that NRC may have cause to review this determination in the future if, for example, the scope of a Freedom of Information Act request included your information. In all review situations, if the NRC needs additional information from you or 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 please contact me by phone 301/415-2829 or by email jlb4@nrc.gov.

Sincerely,



Joseph L. Birmingham, B&WOG Project Mgr.
Generic Issues and Environmental
Projects Branch
Office of Nuclear Reactor Regulation

Project No. 693

November 19, 1996

If you have any questions regarding this matter please contact me by phone 301/415-2829 or by email jlb4@nrc.gov.

Sincerely,

Original Signed By:
Joseph L. Birmingham, B&WOG Project Mgr.
Generic Issues and Environmental
Projects Branch
Office of Nuclear Reactor Regulation

Project No. 693

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B&W Owners Group

Project No. 693

cc Mr. J. W. Hampton, Chairman
B&WOG Executive Committee
Duke Power Company
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P.O. Box 1439
Seneca, SC 29679

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