



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 10, 1997

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

SUBJECT: BABCOCK AND WILCOX OWNERS GROUP (B&WOG) REQUEST TO WITHHOLD
PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Taylor:

By letter dated March 6, 1997, the B&WOG submitted proprietary report BAW-2292P regarding a potential safety concern for Mark B grid deformation. The report was in support of the conclusion that no plastic deformation of the inner and outer fuel assembly grids is predicted to occur in B&W designed 177 fuel assembly plants. This concern was previously discussed in a meeting of the B&WOG Regulatory Response Group with the NRC on July 9, 1996. Attached to the letter was an affidavit, dated March 7, 1997, stating that certain information in the report was considered proprietary by the B&WOG and requesting that the proprietary information be withheld from public disclosure. The affidavit referenced:

- Exhibit A: B&W Owners Group Analysis Committee Report BAW-2292P, "Framatome MARK-B Fuel Assembly Spacer Grid Deformation in B&W Designed 177 Fuel Assembly Plants," dated February 1997.
- Exhibit B: Statement that Exhibit A contains information considered proprietary by B&WOG in accordance with criteria b, c and d of the attached affidavit.

The affidavit stated that this information has been held in confidence by the B&WOG and should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The information reveals data or material concerning the B&WOG research or development plans or programs of present or potential economic advantage to the B&WOG.
- (b) The use of the information by a non-member would decrease his expenditures, in time or resources, in designing, producing or marketing a similar product.
- (c) The information consists of test data or similar data concerning a process, method, component, the application of which results in an economic advantage to the B&WOG.

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J. Taylor

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April 10, 1997

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

Therefore, we have determined that Exhibit A, 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. Your March 6, 1997 letter also forwarded a nonproprietary version of the report (BAW-2292). The nonproprietary version will be placed in the public document room.

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 Nuclear Regulatory Commission. 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 Mr. Birmingham by phone 301/415-2829 or email jlb4@nrc.gov.

Sincerely,

Original signed by:
Joseph L. Birmingham, Project Mgr.
Generic Issues and Environmental
Projects Branch
Office of Nuclear Reactor Regulation

Project No. 693

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*see previous concurrence

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April 10, 1997

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

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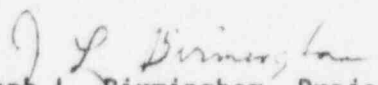
Therefore, we have determined that Exhibit A, which is marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Your March 6, 1997 letter also forwarded a nonproprietary version of the report (BAW-2292). The nonproprietary version will be placed in the public document room.

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

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B&W Owners Group

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