

September 7, 2001

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
REGARDING AMENDMENT ON STEAM GENERATOR TUBE SURVEILLANCE
PROGRAM FOR CALLAWAY PLANT, UNIT 1 (TAC NO. MB1214)

Dear Mr. Mallay:

By letter dated February 15, 2001, Union Electric Company (UE) submitted a request for an amendment to the Technical Specifications (TSs) for the Callaway Plant, Unit 1, (Callaway) to revise TS 5.5.9, "Steam Generator (SG) Tube Surveillance Program." Attachment 5 to that letter contained both the proprietary and non-proprietary versions of Topical Report BAW-10219, "Electrosleeving Qualification for PWR Recirculating Steam Generator Tube Repair," Revision 4, dated December 2000. The topical report was transmitted to Union Electric by letter dated February 9, 2001, with an accompanying affidavit also dated February 9, 2001, executed by Raymond W. Ganthner of Framatome ANP (FRA-ANP). FRA-ANP requested that the topical report be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary copy 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:

- b. The information reveals data or material concerning FRA-ANP research or development plans or programs of present or potential competitive advantage to FRA-ANP.
- 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 other similar data concerning a process, method or component, the application of which results in a competitive advantage to FRA-ANP.
- e. The information reveals special aspects of a process, method, component or the like, the exclusive use of which results in a competitive advantage to FRA-ANP.

Mr. James F. Mallay

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The information designated proprietary is located within brackets (i.e., [...]) on pages iv and v of the list of tables, page x of the list of figures, and pages 5-1, 5-2, 5-4 through 5-6, 6-1, 6-2, 6-4, 6-6, 6-8 through 6-13, 6-19 through 6-25, 6-30, 7-2 through 7-23, 8-2 through 8-5, 8-7, 8-9 through 8-12, 8-14 through 8-28, 8-30 through 8-35, 8-37, 8-38, 9-12 through 9-23, 9-28, 9-31 through 9-33, 9-37, 9-38, 9-40 through 9-51, 9-53, 9-55, 9-56, 10-1 through 10-13, 11-2, 11-3, 11-12, 11-13, 12-2 through 12-7, 12-9 through 12-13, and Appendix A (marked proprietary on the upper right hand side of the pages) in BAW-10219. In an August 22, 2001, phone call I discussed with representatives of FRA-ANP the information classified as proprietary on several of the pages of BAW-10219, identified above, and the basis for your conclusion that the information is proprietary.

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, we have determined that BAW-10219P, "Electrosleeving Qualification for PWR Recirculating Steam Generator Tube Report," 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 document. 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 should also 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 this information. In all review situations, if the NRC makes a determination adverse to the above determination, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, please contact me at 301-415-1307, or through the internet at jnd@nrc.gov.

Sincerely,

/RA/

Jack N. Donohew, Senior Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-483

cc: See next page

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Sincerely,

/RA/

Jack N. Donohew, Senior Project Manager, Section 2
Project Directorate IV
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Office of Nuclear Reactor Regulation

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NRR-084

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Callaway Plant, Unit 1

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