

May 23, 2002

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
FOR CALLAWAY PLANT, UNIT 1 - ISSUANCE OF AMENDMENT ON STEAM
GENERATOR TUBE SURVEILLANCE PROGRAM (TAC NO. MB1214)

Dear Mr. Mallay:

By letter dated November 7, 2001 (ULNRC-4391), Union Electric Company (UE) submitted information related to its 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, "RAI Questions and Responses," contained both the proprietary (Attachment 5a) and non-proprietary (Attachment 5b) versions of UE's responses to the NRC staff's request for additional information (RAI) dated October 16, 2001.

By affidavit dated December 5, 2001 (ADAMS Accession No. ML021140062), executed by you, it was requested that the NRC withhold the information designated proprietary information within brackets (i.e., [...]) on pages 6, 65, 103, 125, and 126 of Attachment 5 to the letter dated November 7, 2001.

The affidavit stated that information designated proprietary in Attachment 5 to the letter dated November 7, 2001, (hereafter known as the "Document") should be exempt from mandatory public disclosure for the following reasons:

- (a) The information reveals details of FRA-ANP'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 FRA-ANP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FRA-ANP in product optimization or marketability.

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

We have reviewed the information in the Document that is sought to be withheld from public disclosure in accordance with the requirements of 10 CFR 2.790, and on the basis of your statements in the affidavit. Based on our review, we have determined that the information sought to be withheld contains proprietary commercial information and should, in accordance with 10 CFR 2.790(b)(5), be withheld from public disclosure. Therefore, the information designated as proprietary in the Document, and presented in brackets on the Attachment 5 pages listed on page 1 of this letter, 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 information. 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 of this fact. 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 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 Donohew, Senior Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
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Callaway Plant, Unit 1

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