

August 19, 2002

Mr. Rod L. Rogers
Bechtel Power Corporation
5275 Westview Drive
Frederick, Maryland 21703

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR AUGUST 22, 2002, MEETING

Dear Mr. Rogers:

By letter dated August 15, 2002, and associated affidavit executed on August 15, 2002, by you, you indicated that you hold the information to be discussed during a meeting scheduled for August 22, 2002, to be proprietary. You requested that these discussions be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.790 (10 CFR 2.790). The purpose of the August 22, 2002, meeting is to discuss Bechtel's automation tools used in the planning and execution of large construction projects. The Nuclear Regulatory Commission is meeting with various applicants to discuss their construction scheduling software in order to determine how best to develop its own software for the construction inspection program information management system (CIPIMS). Background regarding the CIPIMS can be found in Attachment 4 of the "Draft Report on the Revised Construction Inspection Program," October 1996 (ADAMS Accession Number ML011690096).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for several reasons including the following:

- (1) ... the software is a Bechtel marketable product, and the work processes associated with that software are not shared. In addition, the integration of the Bechtel automation tools and the extent of that automation integration could provide a commercial advantage to competitors if this information was available to the public.
- (2) Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of Bechtel because it would enhance the ability of Bechtel's competitors to develop, adapt and improve automation tools used in large construction projects, without having to spend the considerable time, effort and money that Bechtel has spent in developing the information.

We have reviewed your letter and affidavit in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the information to be discussed at the August 22, 2002, meeting sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the meeting will be closed to the public.

R. Rogers

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A non-proprietary summary of the meeting will be prepared and placed in ADAMS. If you have any questions regarding this matter, I may be reached at 301-415-1132.

Sincerely,

/RA/

Joseph M. Sebrosky, Senior Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

R. Rogers

- 2 -

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New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

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cc: See next page

Distribution

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