

October 23, 2002

Mr. P. E. Katz, Vice President
Calvert Cliffs Nuclear Power Plant, Inc.
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, MD 20657-4702

SUBJECT: CALVERT CLIFFS NUCLEAR POWER PLANT, INC. REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR CALVERT
CLIFFS NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2 (TAC NOS. MB5646
AND MB5647)

Dear Mr. Katz:

By letter dated July 17, 2002, you submitted an affidavit dated April 10, 2002, executed by Norton L. Shapiro, requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

Safety Analysis Report For Use Of Improved Zirconium-Based Cladding Materials In
Calvert Cliffs Unit 2 Batch T Lead Fuel Assemblies

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

1. The information sought to be withheld from public disclosure is owned and has been held in confidence by WEC [Westinghouse Electric Company LLC]. It consists of an evaluation of the fuel cladding material properties and performance characteristics for use as a lead test assembly.
2. The information consists of analyses or other similar data concerning a process, method or component, the application of which results in substantial competitive advantage to WEC.
3. The information is of a type customarily held in confidence by WEC and not customarily disclosed to the public.
4. The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence by the Commission.
5. The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements that provide for maintenance of the information in confidence.

6. Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC.

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, the version(s) of the submitted information 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 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 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 also should 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 your information. In all review situations, if the NRC 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, I may be reached at 301-415-1322.

Sincerely,

/RA/

Donna Skay, Project Manager, Section I
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-317 and 50-318

cc: See next page

- 6. Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC.

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Donna Skay, Project Manager, Section I
 Project Directorate I
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

Docket No. 50-317 and 50-318
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Accession Number: ML022810341 *See previous concurrence

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Calvert Cliffs Nuclear Power Plant
Unit Nos. 1 and 2

cc:

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