

June 10, 2003

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

SUBJECT: FRAMATOME ANP REQUEST FOR WITHHOLDING INFORMATION FROM  
PUBLIC DISCLOSURE FOR NORTH ANNA POWER STATION,  
UNITS 1 AND 2 (TAC NOS. MB4714 AND MB4715)

Dear Mr. Mallay:

By letter dated May 9, 2003, Virginia Electric and Power Company submitted an affidavit dated May 6, 2003, executed by you, requesting that information contained in the document entitled "Response to Request for Additional Information and Revised Pages for March 2002 Evaluation Report - Framatome Fuel Transition Program Technical Specification Change" be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. 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 provides that the submitted information should be considered exempt from mandatory public disclosure based on the following reasons:

- (a) The information reveals details of FANP's [Framatome 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 FANP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FANP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by FANP, would be helpful to competitors [of] FANP, and would likely cause substantial harm to the competitive position of FANP.

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 can be reached at 301-415-1544.

Sincerely,

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Stephen R. Monarque, Project Manager, Section 1  
Project Directorate II  
Division of Licensing Project Management

Office of Nuclear Reactor Regulation

Docket Nos. 50-338 and 50-339

cc: See next page



Virginia Electric and Power Company

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Units 1 and 2

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