

March 10, 2004

Ms. G. F. Elliot
Framatome ANP, Inc
3315 Old Forest Road
P.O. Box 10935
Lynchburg VA 24506-0935

SUBJECT: FRAMATOME ANP, INC. REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE FOR CATAWBA NUCLEAR STATIONS, UNITS
1 AND 2 (TAC NOS. MB7863 AND MB7864)

Dear Ms. Elliot:

By letter dated February 2, 2004, the Duke Power Company submitted an affidavit dated January 29, 2004, executed by Framatome Advance Nuclear Power, and requested that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

Attachment 4, "Quality Assurance Plan In Response to Staff Request of December 24, 2003." (PROPRIETARY).

The information that you requested to be withheld is identified by its inclusion within brackets in Attachment 4 to Duke Power's letter dated February 2, 2004. A non-proprietary version of Attachment 4 was also submitted with Duke Power's letter dated February 2, 2004, and it has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

4. This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by FANP and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in this Document as proprietary and confidential.
5. This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure.
6. The following criteria are customarily applied by FANP to determine whether information should be classified as proprietary:

- (a) The information reveals details of FANP'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 to FANP, and would likely cause substantial harm to the competitive position of FANP.
7. In accordance with FANP's policies governing the protection and control of information, proprietary information contained in this Document has been made available, on a limited basis, to others outside FANP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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 versions of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(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 301-415-1493.

Sincerely,

/RA/

Robert E. Martin, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-413, 50-414

cc: See next page

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Catawba Nuclear Station

cc:

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Catawba Nuclear Station

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