

April 19, 2004

Ms. Gayle F. Elliott, Manager  
Product Licensing in Regulatory Affairs  
Framatome ANP  
3815 Old Forest Road  
Lynchburg, VA 24501

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,  
BRUNSWICK STEAM ELECTRIC PLANT, UNIT NO. 1 (TAC NO. MC1249)

Dear Ms. Elliott:

By letter dated March 19, 2004, Carolina Power & Light Company (CP&L) submitted an affidavit signed by you dated March 18, 2004, in which you requested that the following document be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

Information reference in CP&L letter, Serial No. BSEP 04-0043, "Brunswick Steam Electric Plant, Unit No. 1, Docket No. 50-325/License No. DPR-71, Response to Request for Additional Information" dated March 19, 2004.

A nonproprietary copy of this document has been placed in the U. S. 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:

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A's competitors without license from GNF-A constitutes a competitive economic advantage over other companies;
- b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;

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 version 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.

G. Elliott

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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 301-415-2020.

Sincerely,

*/RA/*

Brenda L. Mozafari, Senior Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-325

cc: See next page

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Brenda L. Mozafari, Senior Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

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Mr. C. J. Gannon  
Carolina Power & Light Company

Brunswick Steam Electric Plant  
Units 1 and 2

cc:

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