

April 28, 2004

Mr. James F. Mallay
Director, Regulatory Affairs
Framatome ANP
3815 Old Forest Road
Lynchburg, VA 24501

SUBJECT: FRAMATOME ANP, INC., REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE FOR SAINT LUCIE UNIT 1 (TAC NO. MB5178)

Dear Mr. Mallay:

By Florida Power & Light Company's letter dated February 11, 2004, and Mr. Jerald S. Holm's affidavit dated January 8, 2004, Framatome ANP, Incorporated (FANP), requested that its loss of forced reactor coolant flow analysis for St. Lucie Unit 1 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790 [Note: On February 13, 2004, 10 CFR Part 2 was revised and Section 2.790 was renumbered as Section 2.390].

A nonproprietary copy of this document has been placed in the U. S. Nuclear Regulatory Commission's (NRC) 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) 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.

We have reviewed Mr. Holm's application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of his statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the document listed above and identified 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 may be reached at 301-415-3974.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-335

cc: See next page

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Mr. J. A. Stall
Florida Power and Light Company

ST. LUCIE PLANT

cc:
Senior Resident Inspector
St. Lucie Plant
U.S. Nuclear Regulatory Commission
P.O. Box 6090
Jensen Beach, Florida 34957

Mr. G. L. Johnston
Plant General Manager
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

Craig Fugate, Director Division of
Emergency Preparedness
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100

Mr. Terry Patterson
Licensing Manager
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

M. S. Ross, Managing Attorney
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

David Moore, Vice President
Nuclear Operations Support
Florida Power and Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Marjan Mashhadi, Senior Attorney
Florida Power & Light Company
801 Pennsylvania Avenue, NW
Suite 220
Washington, DC 20004

Mr. Rajiv S. Kundalkar
Vice President - Nuclear Engineering
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. Douglas Anderson
County Administrator
St. Lucie County
2300 Virginia Avenue
Fort Pierce, Florida 34982

Mr. J. Kammel
Radiological Emergency
Planning Administrator
Department of Public Safety
6000 SE. Tower Drive
Stuart, Florida 34997

Mr. William A. Passetti, Chief
Department of Health
Bureau of Radiation Control
2020 Capital Circle, SE, Bin #C21
Tallahassee, Florida 32399-1741

Mr. William Jefferson, Jr.
Site Vice President
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957-2000