

December 16, 2004

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

SUBJECT: PALISADES NUCLEAR POWER PLANT - FRAMATOME ANP REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NO. MC3931)

Dear Mr. Mallay:

By letter dated August 19, 2004, Nuclear Management Company, LLC submitted an affidavit dated August 19, 2004, executed by Gayle F. Elliott, requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2 Section 2.390:

1. Attachment 2 to Enclosure 1 - AREVA Document 32-5043862-00, "Palisades CRDM Nozzle IDTB Weld Anomaly Flaw Evaluations," dated July 2004
2. Attachment 3 to Enclosure 1 - AREVA Document 32-5045260-00, "Palisades ICI Nozzle IDTB Weld Anomaly Flaw Evaluations," dated July 2004
3. Attachment 1 to Enclosure 2 - AREVA Document 32-5044161-00, "Palisades CRDM Nozzle IDTB J-Groove Weld Flaw Evaluation," dated July 2004
4. Attachment 2 to Enclosure 2 - AREVA Document 32-5045743-00, "Palisades ICI Nozzle IDTB Weld Flaw Evaluation," dated July 2004

Nonproprietary copies of these documents have 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) The information reveals details of Framatome ANP's (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 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 may be reached at 301-415-1439.

Sincerely,

/RA/

David H. Jaffe, Acting Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-255

cc: See next page

Palisades Plant

cc:

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Hazardous Waste and Radiological
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October 2003

- (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.
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David H. Jaffe, Acting Project Manager, Section 1
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 Division of Licensing Project Management
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cc: See next page

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