

January 31, 2005

Mr. Jens G. M. Andersen  
Project Manager  
Global Nuclear Fuel-Americas, L.L.C.  
3901 Castle Hayne Road  
Wilmington, NC 28402

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - REQUEST FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(TAC NO. MC3391)

Dear Mr. Andersen:

By letter dated December 14, 2004, Entergy Nuclear Operations, Inc., (the licensee) submitted a response to a request for additional information (RAI) from the Nuclear Regulatory Commission (NRC) for the James A. FitzPatrick Nuclear Power Plant. The NRC staff requested the information in order to complete its review of the licensee's application for an amendment regarding changes in the safety limit values for Minimum Critical Power Ratio (SLMCPR). In its December 14 letter, the licensee included an affidavit dated December 1, 2004, executed by you requesting that the following document containing proprietary information of Global Nuclear Fuel-Americas, L.L.C. (GNF-A) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

"Additional Information Regarding the Cycle Specific SLMCPR for FitzPatrick Cycle 17,"  
December 1, 2004.

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agency wide 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; and
- 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, "Additional Information Regarding the Cycle Specific SLMCPR [Safety Limit Minimum Critical Power Ratio] for FitzPatrick Cycle 17," December 1, 2004, 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 301-415-1457.

Sincerely,

*/RA/*

Patrick D. Milano, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-333

cc: See next page

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/RA/

Patrick D. Milano, Senior Project Manager, Section 1  
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FitzPatrick Nuclear Power Plant

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