

June 10, 2003

Mr. James F. Mallay
Director, Regulatory Affairs
Framatome ANP, Richland, Inc.
2101 Horn Rapids Road
Richland, WA 99352

SUBJECT: FRAMATOME ANP REQUEST FOR WITHHOLDING INFORMATION FROM
PUBLIC DISCLOSURE FOR NORTH ANNA POWER STATION,
UNITS 1 AND 2 (TAC NOS. MB4714 AND MB4715)

Dear Mr. Mallay:

By letter dated May 9, 2003, Virginia Electric and Power Company submitted an affidavit dated May 6, 2003, executed by you, requesting that information contained in the document entitled "Response to Request for Additional Information and Revised Pages for March 2002 Evaluation Report - Framatome Fuel Transition Program Technical Specification Change" be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. A nonproprietary copy of this document has been placed in the 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 provides that the submitted information should be considered exempt from mandatory public disclosure based on the following reasons:

- (a) The information reveals details of FANP's [Framatome ANP'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 [of] 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 2.790 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(s) of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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 301-415-1544.

Sincerely,

/RA/

Stephen R. Monarque, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management

Office of Nuclear Reactor Regulation

Docket Nos. 50-338 and 50-339

cc: See next page

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 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(s) of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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 301-415-1544.

Sincerely,
/RA/

Stephen R. Monarque, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-338 and 50-339

cc: See next page

DISTRIBUTION

PUBLIC EDunnington KLandis, RII MPSiemien, OGC
PDII-1 R/F SMonarque SMoore JNakoski

ADAMS ACCESSION NO. ML031610673

See previous concurrence

OFFICE	LA:PDII/S2	PM:PDII/S1	SRXB/SC*	EMEB/SC*	OGC*	SC:PDII/S1
NAME	EDunnington	SMonarque	FAkstulewicz	KManoly	DHassell for: MPSiemien	JNakoski
DATE	6/10/2003	6/9/2003	05/20/2003	05/21/2003	06/05/03	6/10/2003

OFFICIAL RECORD COPY

Virginia Electric and Power Company

North Anna Power Station
Units 1 and 2

cc:

Mr. C. Lee Lintecum
County Administrator
Louisa County
P. O. Box 160
Louisa, Virginia 23093

Mr. David A. Heacock
Site Vice President
North Anna Power Station
P. O. Box 402
Mineral, Virginia 23117-0402

Ms. Lillian M. Cuoco, Esq.
Senior Counsel
Dominion Resources Services, Inc.
Millstone Power Station
Building 475, 5th floor
Rope Ferry Road
Rt. 156
Waterford, Connecticut 06385

Mr. Richard H. Blount, II
Site Vice President
Surry Power Station
Virginia Electric and Power Company
5570 Hog Island Road
Surry, Virginia 23883-0315

Dr. W. T. Lough
Virginia State Corporation
Commission
Division of Energy Regulation
P. O. Box 1197
Richmond, Virginia 23209

Mr. Robert B. Strobe, M.D., M.P.H.
State Health Commissioner
Office of the Commissioner
Virginia Department of Health
P. O. Box 2448
Richmond, Virginia 23218

Old Dominion Electric Cooperative
4201 Dominion Blvd.
Glen Allen, Virginia 23060

Mr. William R. Matthews
Vice President-Nuclear Operations
Virginia Electric and Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, Virginia 23060-6711

Mr. Chris L. Funderburk, Director
Nuclear Licensing & Operations Support
Virginia Electric Power Company
Innsbrook Technical Center
5000 Dominion Blvd.
Glen Allen, Virginia 23060-6711

Mr. James F. Mallay
Director, Regulatory Affairs
Framatome ANP, Richland, Inc.
Richland, WA 99352

Office of the Attorney General
Commonwealth of Virginia
900 East Main Street
Richmond, Virginia 23219

Mr. David A. Christian
Sr. Vice President and Chief Nuclear Officer
Virginia Electric and Power Company
5000 Dominion Blvd.
Glen Allen, Virginia 23060

Senior Resident Inspector
North Anna Power Station
U. S. Nuclear Regulatory Commission
1024 Haley Drive
Mineral, Virginia 23117