

August 14, 2003

Mr. James F. Mallay, Director Regulatory Affairs
Framatome ANP, Inc.
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

SUBJECT: POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2, REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NOS. MB6184, MB6185, MB8438, AND MB8436)

Dear Mr. Mallay:

By letter dated April 10, 2003, the Nuclear Management Company, LLC, submitted an affidavit dated September 30, 2002, executed by you, requesting that information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

32-5019396-00, "PB-1 CRDM Nozzle IDTB J-Groove Weld Flow Evaluation"
32-5019398-00, "PB-1 CRDM Nozzle IDTB Weld Anomaly Flaw Evaluations"
32-5020244-00, "Point Beach 1 CRDM Temperbead Bore Weld Analysis"

Nonproprietary copies of these documents have 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 stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- 1) The information reveals details of Framatome ANP's (FRA-ANP's) research and development plans and programs or their results.
- 2) 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.
- 3) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for FRA-ANP.
- 4) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FRA-ANP in product optimization or marketability.

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 versions 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 may be reached at 301-415-2928.

Sincerely,

/RA/

Deirdre W. Spaulding, Project Manager, Section I
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-266 and 50-301

cc: See next page

J. Mallay

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Point Beach Nuclear Plant, Units 1 and 2

cc:

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