

AFFIDAVIT

COMMONWEALTH OF VIRGINIA)
) ss.
CITY OF LYNCHBURG)

1. My name is James F. Mallay. I am Director, Regulatory Affairs, for Framatome ANP ("FRA-ANP"), and as such I am authorized to execute this Affidavit.

2. I am familiar with the criteria applied by FRA-ANP to determine whether certain FRA-ANP information is proprietary. I am familiar with the policies established by FRA-ANP to ensure the proper application of these criteria.

3. I am familiar with the FRA-ANP information contained in the response to the RAI, which appears as Attachment 5 to the letter from Ameren UE to the NRC of November 7, 2001 (ULNRC-04558). This attachment is referred to herein as "Document." Information contained in this Document has been classified by FRA-ANP as proprietary in accordance with the policies established by FRA-ANP for the control and protection of proprietary and confidential information.

4. This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by FRA-ANP and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in this Document as proprietary and confidential.

5. This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure.

6. The following criteria are customarily applied by FRA-ANP to determine whether information should be classified as proprietary:

- (a) The information reveals details of FRA-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 FRA-ANP.
- (d) 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.
- (e) The information is vital to a competitive advantage held by FRA-ANP, would be helpful to competitors to FRA-ANP, and would likely cause substantial harm to the competitive position of FRA-ANP.

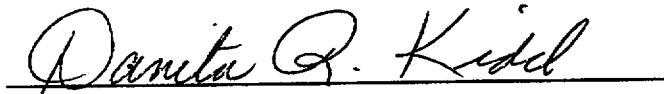
7. In accordance with FRA-ANP's policies governing the protection and control of information, proprietary information contained in this Document has been made available, on a limited basis, to others outside FRA-ANP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. FRA-ANP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

9. The foregoing statements are true and correct to the best of my knowledge,
information, and belief.

A handwritten signature in cursive script, appearing to read "James F. Small", is written over a horizontal line.

SUBSCRIBED before me this 5th
day of December, 2001.

A handwritten signature in cursive script, appearing to read "Danita R. Kidd", is written over a horizontal line.

Danita R. Kidd
NOTARY PUBLIC, STATE OF VIRGINIA
MY COMMISSION EXPIRES: 12/31/04