August 26, 2003

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Mallay:

By affidavit dated July 29, 2003, executed by Gayle F. Elliott, Framatome ANP (FANP) requested that the viewgraphs entitled, "Fuel Performance Meeting," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. These viewgraphs were included in the presentation to the Nuclear Regulatory Commission (NRC) staff in Lynchburg, Virginia on July 30-31, 2003.

A nonproprietary copy of the document was not provided for placement in the NRC's Public Document Room and for addition 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:

4. These Documents contain information of a proprietary and confidential nature and is of the type customarily held in confidence by FANP and not made available to the public.

5. These Documents have 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. (a) The information reveals details of 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 2.790 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, we have determined that the viewgraphs entitled, "Fuel Performance Meeting," 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) 415-1436.

Sincerely,

/RA/

Drew Holland, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 728

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Drew Holland, Project Manager, Section 2
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