June 17, 2005

Mr. Jerald S. Holm
Director, Regulatory Affairs
Framatome ANP, Inc
3815 Old Forest Road
Lynchburg, VA 24501

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MC6394)

Dear Mr. Holm:

By letter dated March 15, 2005, Framatome ANP (FANP) submitted an affidavit dated March 15, 2005, executed by you, requesting that information in Topical Report BAW-10179(P), Revision 6, "Safety Criteria and Methodology for Acceptable Cycle Reload Analysis," dated March of 2005, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

A nonproprietary copy of the document has been placed in the 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:

4. This Document contains 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. 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. (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 2.390 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, the information in the document entitled, "BAW-10179(P), Revision 6, 'Safety Criteria and Methodology for Acceptable Cycle Reload Analysis'," 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) 415-1774.

Sincerely,

/RA/
Michelle Honcharik, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 728

(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.

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Michelle Honcharik, Project Manager, Section 1
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Safety Criteria: ML051660522 Package ML051710549
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