

July 6, 2006

Mr. Ronnie L. Gardner
Site Operations and Regulatory Affairs
AREVA NP
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Gardner:

By application and associated affidavit dated June 23, 2006 (ADAMS Accession No. ML061780520), you submitted information in the form of draft slides that are intended for use at a July 25, 2006 public meeting. You requested that the information marked as proprietary be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.390 (10 CFR 2.390).

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 AREVA NP'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 AREVA NP,
- (4) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA NP in product optimization or marketability, and
- (5) The information is vital to a competitive advantage held by AREVA NP, would be helpful to competitors to AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

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

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withheld from public disclosure. Therefore, the submitted information 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. Please note that in accordance with Commission policy, you should bring nonproprietary versions of the slides that can be distributed to members of the public who attend the meeting and that can be placed in a nonproprietary meeting summary.

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 301-415-1311.

Sincerely,

/RA/

Larry J. Burkhart, Project Manager
AP1000/EPR Projects Branch
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

cc: See next page

Y. Shibata

- 2 -

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Sincerely,

/RA/

Larry J. Burkhart, Project Manager
AP1000/EPR Projects Branch
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

cc: See next page

ACCESSION NUMBER: ML061840552

OFFICE	DNRL/NAPB	DNRL/NAPB
NAME	LBurkhart	SCoffin
DATE	07/05/06	07/06/06

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DOCUMENT NAME: E:\Filenet\ML061840552.wpd

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

ORIGINATOR: L. Burkhart

SECRETARY: T. Wade

DATE: July 3, 2006

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Tony Wade, NRR/DNRL	415-8540	O4A15B
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