



October 19, 2006  
NRC:06:044

Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**Response to a Request for Additional Information on an AREVA NP Inc. Affidavit**

Ref.: 1. Letter, Eva A. Brown (NRC) to Jerald S. Holm (AREVA NP INC.), "AREVA NP INC., Request for Withholding Information from Public Disclosure, Browns Ferry Nuclear Plant Units 2 and 3 (TAC Nos. MC3743 and MC3744)," dated September 26, 2006.

In Reference 1, the NRC identified changes it desired in the generic affidavit AREVA NP Inc. uses to request the withholding of proprietary information from public disclosure. The Reference 1 letter also requested additional information as to the reasons certain information had been determined to be proprietary.

Enclosures 1 and 2 to this letter provide revised affidavits for the two affidavits specifically mentioned in the Reference 1 letter from the NRC.

Enclosure 3 of this letter provides a response to the request for additional information contained in Reference 1.

Sincerely,

A handwritten signature in cursive script that reads "Ronnie L. Gardner".

Ronnie L. Gardner, Manager  
Site Operations and Regulatory Affairs  
AREVA NP Inc.

cc: J. H. Thompson  
H. D. Cruz  
E. A. Brown  
Project 728

T010

**Enclosure 1**

AFFIDAVIT

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF BENTON )

1. My name is Jerald S. Holm. I am Manager, Product Licensing, for AREVA NP Inc. and as such I am authorized to execute this Affidavit.

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

3. I am familiar with the AREVA NP information provided to the NRC by TVA in a May 11, 2006 letter, *Browns Ferry Nuclear Plant (BFN) – Units 2 and 3 – Supplemental Response to NRC Round 3 Request for Additional Information (RAI) Related to Technical Specifications (TS) Change No. TS-418 – Extended Power Uprate Operation EPU (TAC Nos. MC3743 and MC3744)*, and referred to herein as “Document.” Information contained in this Document has been classified by AREVA NP as proprietary in accordance with the policies established by AREVA NP 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 AREVA NP 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. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information".

6. The following criteria are customarily applied by AREVA NP to determine whether information should be classified as proprietary:

- (a) The information reveals details of AREVA NP'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 AREVA NP.
- (d) 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.
- (e) 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.

The information in the Document is considered proprietary for the reasons set forth in paragraphs 6(b) and 6(c) above.

7. In accordance with AREVA NP's policies governing the protection and control of information, proprietary information contained in this Document have been made available,

on a limited basis, to others outside AREVA NP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

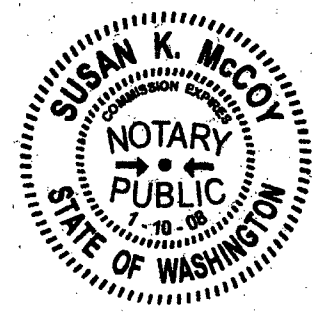
8. AREVA NP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

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

Jerald S. Holm

SUBSCRIBED before me this 17<sup>th</sup>  
day of October, 2006.

Susan K. McCoy  
Susan K. McCoy  
NOTARY PUBLIC, STATE OF WASHINGTON  
MY COMMISSION EXPIRES: 1/10/2008



**Enclosure 2**



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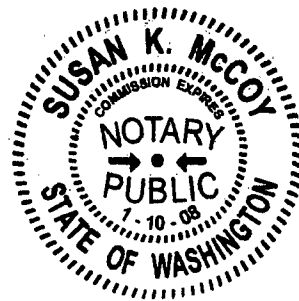
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### Enclosure 3

#### Response to Request for Additional Information

**Question 1.** *Explain in detail why the equation on page E1-25 should be considered proprietary information.*

**Response 1.** The equation provides details of an analytical methodology developed with funding provided by AREVA NP. The identification of the specific features of the methodology used by AREVA NP would provide its competitors with insight into a methodology that provides a competitive advantage to AREVA NP. While AREVA NP did not develop the specific equation referred to in the document, AREVA NP did develop the methodology which uses the specific equation and the choice of this equation adds to the competitive advantage of AREVA NP which derives from the use of the methodology.

**Question 2.** *Explain in detail why the reference SRXB-A.35.3 should be considered proprietary information.*

**Response 2.** AREVA NP considers the fact that it uses a specific correlation in its methodology to be proprietary information as marked on page E1-41 of the TVA letter to the NRC dated May 11, 2006. The identification of the specific features of the methodology used by AREVA NP would provide its competitors with insight into a methodology that provides a competitive advantage to AREVA NP. While AREVA NP did not develop the specific correlation referred to in the document, AREVA NP did develop the methodology which uses the specific correlation and the choice of this correlation adds to the competitive advantage of AREVA NP which derives from the use of the methodology. The reference SRXB-A.35.3 identifies this specific correlation in its title and therefore the reference itself needs to be proprietary information in order to protect the identification of the specific correlation.

**Question 3.** *Explain in detail the reason (page E1-42) for the multi-rod database and prediction uncertainties not being available to FANP should be considered proprietary information.*

**Response 3.** The reason that this information is marked proprietary is to protect the identity of the specific correlation being used. The conditions stated for why the data and uncertainties are not available provide insight into its identity. Additional information is provided in response 2 above.

**Question 4.** *Explain in detail why the information in Table 35-1 should be considered proprietary information. The response to this question should include a discussion of why the information reported using references SRXB-A.35.7, SRXB-A.35.8 and SRXB-A.35.9 is not proprietary and the information reported using reference SRXB-A.35.10 should be considered proprietary.*

**Response 4.** The references SRXB-A.35.7, SRXB-A.35.8 and SRXB-A.35.9 are publicly available documents. AREVA NP does not own these documents nor their content. The reference SRXB-A.35.10 is an internal AREVA NP document reporting the results of tests funded by AREVA NP and performed at AREVA NP facilities. This information is not publicly available and its use by competitors would represent a cost savings to them and thus a competitive disadvantage to AREVA NP.

The Information marked as proprietary in this table is consistently marked as proprietary in other AREVA topical reports that present similar information, such as the SPCB and ACE correlation topical reports.



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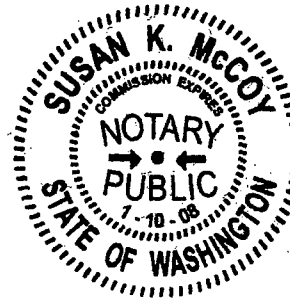
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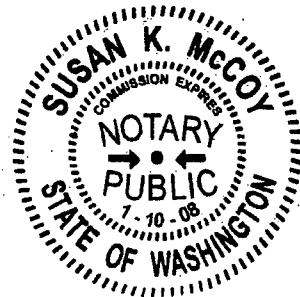
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