

December 30, 2016

Mr. Gary Peters, Director
Licensing & Regulatory Affairs
AREVA NP Inc.
3315 Old Forrest Road
Lynchburg, VA 24501

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
AREVA NP INC.

Dear Mr. Peters:

By letter dated December 15, 2016, you submitted an affidavit—dated December 15, 2016, executed by Gayle Elliott—requesting that the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390:

- Attachments to Letter Number NRC: 16:035 from Mr. Gary Peters (AREVA NP) to Ms. Kerri Kavanagh (NRC) with the subject of “NRC Request for Information on AREVA Creusot Forge Forgings in U.S. Components and Carbon Segregation Issues,” dated December 15, 2016.

As required in 10 CFR 2.390(b)(1)(ii), each supporting affidavit must contain a full statement of the reasons for withholding information from public disclosure. Further, 10 CFR 2.390(b)(1)(iii) provides that when making a request for withholding trade secrets and confidential commercial information, the affidavit must contain a “full statement” that addresses “with specificity” the considerations listed in 10 CFR 2.390(b)(4).

The NRC has reviewed your request to withhold the above-referenced information from disclosure in accordance with the criteria in 10 CFR 2.390. Based upon this review, the NRC concludes that you have not provided a sufficient basis to justify withholding the two attachments. Specifically, your affidavit did not adequately address two of the criteria in 10 CFR 2.390(b)(4):

- Whether the information is of a type customarily held in confidence by its owner and, except for voluntarily submitted information, whether there is a rational basis therefor (§ 2.390(b)(4)(ii));
- Whether public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of the owner of the information, taking into account the value of the information to the owner; the amount of effort or money, if any, expended by the owner in developing the information; and the ease or difficulty with which the information could be properly acquired or duplicated by others (§ 2.390(b)(4)(v)).

As explained above, the criteria must be addressed with specificity. The affidavit submitted to support your request identifies three generic statements of harm from an AREVA NP policy, as applicable to the information sought to be withheld. The affidavit, however, does not explain why these generic reasons apply to the specific information sought to be withheld. The affidavit also leaves unclear whether each generic reason cited is intended to apply to each item of information you have requested be withheld. In sum, the affidavit makes assertions that certain competitive harm rationales apply, but does not do so with the specificity required by 2.390(b)(4).

In accordance with 10 CFR 2.390(c), the information sought to be withheld will be placed in the Commission's Public Document Room 10 days after your receipt of this letter, unless you either seek to withdraw the information requested to be withheld or provide the NRC with an amended affidavit that meets the requirements of 10 CFR 2.390(b). If you request that the information be withdrawn, then the NRC will consider your withdrawal request in accordance with the factors set forth in 10 CFR 2.390(c)(3).

We note further that if the NRC does determine (e.g., based on an amended affidavit) that the information satisfies the factors set forth in 10 CFR 2.390(b)(4), the NRC must also consider, pursuant to 10 CFR 2.390(b)(5), whether the right of the public to be fully apprised as to the bases for and effects of the proposed action outweighs the demonstrated concern for protection of a competitive position. As discussed above, however, the NRC does not currently have sufficient information to determine that competitive harm would result from releasing this information.

For more information regarding requests for withholding under 10 CFR 2.390, please visit our Agencywide Documents Access and Management System (ADAMS) and review NRC Regulatory Issue Summary (RIS) 2004-11, "Supporting Information Associated with Requests for Withholding Proprietary Information," dated June 29, 2004 (ADAMS Accession No. ML041180231); and NRC RIS 2014-01, "Regulatory Requirements for Withholding of Proprietary Information from Public Disclosure," dated January 10, 2014 (ADAMS Accession No. ML13351A195).

If you have any questions regarding this matter, I may be reached at 301-415-1897.

Sincerely,

/RA/

Michael E. Mayfield, Acting Deputy Director
Office of New Reactors

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Michael E. Mayfield, Acting Deputy Director
Office of New Reactors

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NRO-002

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