

March 30, 2006

Mr. Ronnie L. Gardner
AREVA NP Inc.
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

SUBJECT: AREVA NP INC. REQUEST FOR WITHHOLDING INFORMATION FROM
PUBLIC DISCLOSURE FOR THE EVOLUTIONARY POWER REACTOR
(TAC MD0026)

Dear Mr. Gardner:

In your letter of February 9, 2006, you submitted information regarding the critical heat flux (CHF) test program for the Evolutionary Power Reactor (EPR). An affidavit executed by Gayle F. Elliot, dated February 9, 2006, was included in your letter, supporting your request that the information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. This information was submitted on behalf of Framatome ANP, Inc. (FANP), which has subsequently changed its name to AREVA NP, Inc. (AREVA).

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (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:

- The information reveals details of FANP's research and development plans and programs or their results.
- Use of this 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.
- The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage or FANP.
- 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.
- 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 portion of the submitted document 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 301-415-1470.

Sincerely,

/RA/

Joseph F. Williams, Senior Project Manager
New Reactor Licensing Branch
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

Project No. 733

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 portion of the submitted document 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 301-415-1470.

Sincerely,

/RA/

Joseph F. Williams, Senior Project Manager
New Reactor Licensing Branch
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

Project No. 733

Distribution:

<u>Hard Copy</u>	<u>E-Mail</u>
NRBA Rdg.	JWilliams
JWilliams	LDudes
LDudes	FAkstulewicz
	AAttard

ADAMS ACCESSION NO. ML060830205

OFFICE	PM:NRBA	SNPB	BC:NRBA
NAME	JWilliams	FAkstulewicz	LDudes
DATE	03 27/2006	03/27/2006	03/29/2006

OFFICIAL RECORD COPY

EPR

cc:

Mr. David Lochbaum, Nuclear Safety
Engineer
Union of Concerned Scientists
1707 H Street, NW., Suite 600
Washington, DC 20006-3919

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. James Riccio
Greenpeace
702 H Street, Suite 300
Washington, DC 20001

Mr. Adrian Heymer
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Dr. Jack W. Roe
Nuclear Energy Institute
1776 I Street, NW
Washington, DC 20006-3708

Mr. Brendan Hoffman
Research Associate on Nuclear Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Ms. Sandra Sloan
Areva NP, Inc.
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

Ms. Patricia Campbell
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Mr. Charles Brinkman, Director
Washington Operations
Westinghouse Electric Company
12300 Twinbrook Parkway, Suite 330
Rockville, MD 20852

Mr. Glenn H. Archinoff
AECL Technologies
481 North Frederick Avenue
Suite 405
Gaithersburg, MD. 20877

Mr. Gary Wright, Manager
Office of Nuclear Facility Safety
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704

Mr. Ronald P. Vijuk
Manager of Passive Plant Engineering
AP1000 Project
Westinghouse Electric Company
P. O. Box 355
Pittsburgh, PA 15230-0355

Mr. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa

Mr. Russell Bell
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Ms. Kathryn Sutton, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Bethesda, MD 20814

E-Mail:

tom.miller@hq.doe.gov or
tom.miller@nuclear.energy.gov
sandra.sloan@areva.com
mwetterhahn@winston.com
gcesare@enercon.com
eddie.grant@exeloncorp.com
whorin@winston.com
steven.hucik@ge.com
david.hinds@ge.com
chris.maslak@ge.com
james1beard@ge.com
louis.quintana@ge.com