

January 31, 2007

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

SUBJECT: AREVA REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE FOR S-RELAP5 INPUT DECK FOR THE U.S. EVOLUTIONARY
POWER REACTOR (EPR) (TAC MD2803)

Dear Mr. Gardner:

By letter dated December 21, 2006, and associated affidavit executed by Mark J. Burzynski on December 21, 2006, you submitted U.S. EPR proprietary documents containing S-RELAP5 Input Deck and supporting drawings in response to a U.S. Nuclear Regulatory Commission (NRC) request. You requested that these documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. You indicated that you considered the information contained in these documents to be proprietary in its entirety thus you did not provide non-proprietary versions.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. 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,
2. 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; and
3. 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.

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 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.

R. Gardner

- 2 -

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) 415-3361.

Sincerely,

/RA/

Getachew Tesfaye, Project Manager
EPR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Project No. 733

cc: See next page

R. Gardner

- 2 -

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/RA/

Getachew Tesfaye, Project Manager
EPR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

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U.S. Evolutionary Power Reactor Mailing List

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

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

Mr. Jay M. Gutierrez
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

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
sfrantz@morganlewis.com
ksutton@morganlewis.com
jgutierrez@morganlewis.com
mwetterhahn@winston.com
gcesare@enercon.com
erg-xl@cox.com
whorin@winston.com
steven.hucik@ge.com
david.hinds@ge.com
patriciaL.campbell@ge.com
bob.brown@ge.com
chris.maslak@ge.com
mark.beaumont@wsms.com
James1.Beard@ge.com
george.stramback@gene.ge.com
david.lewis@pillsburylaw.com
paul.gaukler@pillsburylaw.com
john.o'neill@pillsburylaw.com
matias.travieso-diaz@pillsburylaw.com
maria.webb@pillsburylaw.com
roberta.swain@ge.com