



March 28, 2007  
NRC:07:012

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

**Response to an RAI on the Topical Report ANP-10263P "Codes and Methods Applicability Report for the U.S. EPR"**

Ref. 1: Letter, Ronnie L. Gardner (AREVA NP Inc.) to Document Control Desk (NRC), "Request for Review and Approval of ANP-10263(P) Revision 0, 'Codes and Methods Applicability Report for the U.S. EPR'," NRC:06:032, August 10, 2006.

Ref. 2: Letter, Ronnie L. Gardner (AREVA NP Inc.) to Document Control Desk (NRC), "Proposed Plan for the Pre-Application Review of the U.S. EPR," NRC:06:036, September 8, 2006.

Ref. 3: Letter, Getachew Tesfaye (NRC) to Ronnie L. Gardner (AREVA NP Inc), "Request for Additional Information Regarding Topical Report ANP-10263(P), 'Codes and Methods Applicability Report for the U.S. Evolutionary Power Reactor (U.S. EPR)' (TAC No. MD2803)," February 28, 2007.

Ref. 4: Letter, Larry J. Burkhart (NRC) to Ronnie L. Gardner (AREVA NP Inc.), "Acceptance for Review of 'Codes and Methods Applicability Report for the U.S. EPR' Topical Report (TAC No. MD2803)," October 16, 2006.

AREVA NP Inc. (AREVA NP) requested the NRC's review and approval of the topical report ANP-10263(P) Revision 0 in Reference 1. This topical report was identified as a pre-application submittal in Attachment 3 of Reference 2.

The NRC provided a Request for Additional Information (RAI) regarding this topical report in Reference 3. The response to this RAI is enclosed with this letter, ANP-10263Q1P Revision 0, "Response to Request for Additional Information ANP-10263P, 'Codes and Methods Applicability Report for the U.S. EPR'."

AREVA NP plans to reference the topical report ANP-10263P Revision 0 in its Design Control Document (DCD) for the U.S. EPR. Therefore, AREVA NP requests that the NRC provide timely feedback and interactions to inform development of the DCD. Reference 4 states that the NRC plans to complete its review of the topical report and issue the draft safety evaluation by June 30, 2007. AREVA NP understands that this timely response to the RAI supports the scheduled deliverable of the draft safety evaluation.

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AREVA NP considers some of the material contained in the enclosed document to be proprietary. As required by 10 CFR 2.390(b), an affidavit is enclosed to support the withholding of the information from public disclosure. Proprietary and non-proprietary versions of the document are provided on the enclosed CDs.

If you have any questions related to this submittal, please contact Ms. Sandra M. Sloan, Regulatory Affairs Manager for New Plants Deployment. She may be reached by telephone at 434-832-2369 or by e-mail at [sandra.sloan@areva.com](mailto:sandra.sloan@areva.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Ronnie L. Gardner".

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

Enclosures

cc: L. Burkhart  
G. Tesfaye  
Project 733

## 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 contained in the report ANP-10263Q1P Revision 0, *Response to Request for Additional Information ANP-10263P, Codes and Methods Applicability Report for the U.S. EPR*, dated March 2007, 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 27<sup>th</sup>  
day of March, 2007.

Susan K McCoy

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

