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

**10 CFR 50.55a Exemption Request for the U.S. EPR Standard Design Certification
(Project No. 733)**

Ref.: 1. 72 FR 16731, "Industry Codes and Standards; Amended Requirements," April 5, 2007.

Ref.: 2. NUREG-0936, Vol. 26, No. 1, "NRC Regulatory Agenda: Semiannual Report
January – June 2007," July 2007.

AREVA NP Inc. (AREVA NP) requests an exemption for the U.S. EPR Standard Design Certification pursuant to 10 CFR 52.7 and 10 CFR 50.12, from 10 CFR 50.55a – Codes and Standards. The 2004 Edition of the ASME Code (no addenda) is applied in the application for design certification of the U.S. EPR, consistent with the Commission proposed rulemaking to endorse and incorporate the newer edition and addenda (Reference 1). Information supporting the exemption request is contained in Attachment 1.

AREVA NP has concluded that special circumstances defined in 10 CFR 50.12 exist to warrant the exemption and that granting the exemption request will not present undue risk to the public health and safety and is consistent with the common defense and security.

While AREVA NP requests approval of the exemption concurrent with the approval of the application for design certification, publication of the final rulemaking to incorporate the 2004 Edition of the ASME Code (expected in April 2008, as noted in Reference 2) will render this exemption unnecessary. At that time, AREVA NP plans to withdraw this exemption request.

If you have any questions related to this request, 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.

Sincerely,

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

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

AREVA NP INC.
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DOTT
NRO

Enclosures

cc: L. Burkhart
G. Tesfaye
Project 733

Attachment 1

10 CFR 50.55a Exemption Request

In accordance with 10 CFR 52.7 and 10 CFR 50.12, Specific Exemptions, AREVA NP Inc. requests exemptions from the requirements 10 CFR 50.55a – Codes and Standards.

10 CFR 50.55a codifies the ASME code as part of NRC requirements and currently specifies the use of the 2001 Edition through 2003 Addenda of the ASME Code. Consistent with NRC policy, 10 CFR 50.55a is amended periodically to incorporate newer editions and addenda of the ASME Code and Code Cases. The current proposed rulemaking [72 FR 16731 (April 5, 2007)] will incorporate the 2004 Edition of the ASME Code and issuance of the final rule is expected in April 2008. This exemption is only necessary until such time as the rulemaking is finalized and becomes effective.

The 2004 Edition of the ASME Code (no addenda) is applied in the application for design certification of the U.S. EPR, consistent with the Commission proposed rulemaking to endorse and incorporate the newer edition and addenda. The use of the 2004 Edition will not take precedence over any Code modifications or limitations currently outlined in 10 CFR 50.55a. This is dictated under the assumption that all modifications and limitations to the 2001 Code and up to 2003 Addenda as outlined currently by 10 CFR 50.55a will remain valid upon NRC endorsement of the 2004 Edition. Until such time as an exemption is granted, reconciliation has been conducted with the latest Code edition endorsed by the NRC.

10 CFR 50.12 states that the Commission may grant an exemption from requirements contained in 10 CFR 50 provided that: 1) the exemption is authorized by law, 2) the exemption will not present an undue risk to public health and safety, 3) the exemption is consistent with the common defense and security, and 4) special circumstances, as defined in 10 CFR 50.12(a)(2) are present. The requested exemption to permit the use of the 2004 ASME Code for design of a U.S. EPR satisfies these requirements as described below.

1. The requested exemption is authorized by law.

This exemption is not precluded by law.

2. The requested exemption does not present an undue risk to the public health and safety.

10 CFR 50.55a codifies the ASME code as part of NRC requirements and currently specifies the use of the 2001 Edition through 2003 Addenda of the ASME Code. Consistent with NRC policy, 10 CFR 50.55a is amended periodically to incorporate newer editions and addenda of the ASME Code and Code Cases. The current rulemaking will incorporate the 2004 Edition of the ASME Code and issuance of the final rule is expected in April 2008.

3. The requested exemption will not endanger the common defense and security.

10 CFR 50.55a codifies the ASME code as part of NRC requirements and currently specifies the use of the 2001 Edition through 2003 Addenda of the ASME Code. Consistent with NRC policy, 10 CFR 50.55a is amended periodically to incorporate newer editions and addenda of the ASME Code and Code Cases. The current rulemaking will incorporate the 2004 Edition of the ASME Code and issuance of the final rule is expected in April 2008.

4. Special circumstances are present which necessitate the request of an exemption to the regulation of 10 CFR 50.34(f)(3)(iv).

The current rulemaking will incorporate the 2004 Edition of the ASME Code and issuance of the final rule is expected in April 2008. The acceptability of the 2004 Edition of the ASME Code in terms of protection of public health and safety is recognized by virtue of the proposed rulemaking, and compliance with the existing edition of the Code in the intervening months is not necessary to achieve the underlying intent of the rule [(10 CFR 50.12(a)(2)(ii)].