February 28, 2008

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR RESPONSE TO REQUESTS FOR ADDITIONAL INFORMATION REGARDING ANP-10273P, "AV42 PRIORITY ACTUATION AND CONTROL MODULE TOPICAL REPORT" (TAC MD3867)

Dear Mr. Gardner:

By letter dated December 21, 2007, and associated affidavit executed by George L. Pannell on December 20, 2007, you submitted a proprietary document on entitled, “Response to Requests for Additional Information ANP-10273P,” “AV42 Priority Actuation and Control Module Topical Report.” You requested that this document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agency-wide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession No. ML073610352).

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.

(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.

(4) 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.

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 version of 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.

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, Sr. Project Manager
EPR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Project No. 733

cc: D.C. Areva - EPR Mailing List

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