

August 8, 2008

Ms. Sandra Sloan
Manager
AREVA NP, Inc.
3315 Old Forest Road
Lynchburg, VA 24506

SUBJECT: RESPONSE TO U.S. EPR DESIGN CERTIFICATION APPLICATION RAI NO. 6

Dear Ms. Sloan:

By letter to the Nuclear Regulatory Commission (NRC) dated July 7, 2008 (ML081930461), and associated affidavit executed by Ronda Pederson on July 7, 2008, you submitted a request for withholding proprietary information contained in "Response to U.S. EPR Design Certification Application RAI No. 6." You requested that this document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10CFR), Part 2, Section 2.390.

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

1. 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.
2. 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.
3. 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".
4. 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 4(b) and 4(c) above.

5. In accordance with AREVA NP's policies governing the protection and control of information, proprietary information contained in this Document has 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.
6. AREVA NP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

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.

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

cc: See next page

- 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.

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/RA/

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

cc: See next page

DISTRIBUTION::

JColaccino, NRO PUBLIC GTesfaye, NRO NARP R/F See next page

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OFFICE	PM:DNRL/NARP	LA:DNRL/NARP	PM:DNRL/NARP	BC:DNRL/NARP
NAME	GTesfaye	JMcLellan	JRycyna	J JColaccino
DATE	8/5/08	7/21/08	7/21/08	8/ 8/08

OFFICIAL RECORD COPY

DC AREVA - EPR Mailing List

cc:

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

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

Marty Bowling
NUMARK Project Manager
86 WestBay Drive
Kilmarnock, VA 22482

Russ Well
Advisory Engineering
New Plants Development
3315 Forest Road
P.O. Box 10935
Mail Stop OF-34
Lynchburg, VA 24506

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Gary Wright, Director
Division of Nuclear Facility Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Mr. Ray Ganthner
Senior Vice President
AREVA, NP, Inc. 3315
Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

Dr. Charles L. King
Licensing Manager, IRIS Project
Westinghouse Electric Company
Science and Technology Department
20 International Drive
Windsor, CT 06095

Ms. Sherry McFaden
Framatome NP, Inc.
3315 Old Forest Road, OF-16
Lynchburg, VA 24501

Mr. Steve Seitz
AREVA
100 Dean Road
East Lyme, CT 06333

DC AREVA - EPR Mailing List

Email

alex.miller@hse.gsi.gov.uk (Alex Miller)
APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
bennettS2@bv.com (Steve A. Bennett)
bob.brown@ge.com (Robert E. Brown)
BrinkmCB@westinghouse.com (Charles Brinkman)
carey.fleming@constellation.com (Carey Fleming)
chris.maslak@ge.com (Chris Maslak)
cwaltman@roe.com (C. Waltman)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
dlochbaum@UCSUSA.org (David Lochbaum)
erg-xl@cox.net (Eddie R. Grant)
frankq@hursttech.com (Frank Quinn)
gcesare@enercon.com (Guy Cesare)
greshaja@westinghouse.com (James Gresham)
james.beard@gene.ge.com (James Beard)
james.p.mcquighan@constellation.com (Jim McQuighan)
jason.parker@pillsburylaw.com (Jason Parker)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
JJD1@nrc.gov (John Donohue)
JNesrsta@cpsenergy.com (James J. Nesrsta)
John.O'Neill@pillsburylaw.com (John O'Neill)
Joseph_Hegner@dom.com (Joseph Hegner)
junichi_uchiyama@mnes-us.com (Junichi Uchiyama)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
Marc.Brooks@dhs.gov (Marc Brooks)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
media@nei.org (Scott Peterson)
mike_moran@fpl.com (Mike Moran)
MSF@nei.org (Marvin Fertel)
mwetterhahn@winston.com (M. Wetterhahn)
nirsnet@nirs.org (Michael Mariotte)
patriciaL.campbell@ge.com (Patricia L. Campbell)
paul.gaukler@pillsburylaw.com (Paul Gaukler)
Paul@beyondnuclear.org (Paul Gunter)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
RKTemple@cpsenergy.com (R.K. Temple)
roberta.swain@ge.com (Roberta Swain)

DC AREVA - EPR Mailing List

Ronda.pederson@areva.com (Ronda Pederson)
sandra.sloan@areva.com (Sandra Sloan)
sfrantz@morganlewis.com (Stephen P. Frantz)
steven.hucik@ge.com (Steven Hucik)
tkkibler@scana.com (Tria Kibler)
tom.miller@hq.doe.gov (Tom Miller)
trsmith@winston.com (Tyson Smith)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
VictorB@bv.com (Bill Victor)
vijukrp@westinghouse.com (Ronald P. Vijuk)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
wayne.marquino@ge.com (Wayne Marquino)
whorin@winston.com (W. Horin)