May 03, 2010

Ms. Sandra Sloan
Manager
AREVA NP, Inc.
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

SUBJECT: AREVA NP - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE OF PROPRIETARY MATERIALS REGARDING AREVA RESPONSE TO U.S. EPR DESIGN CERTIFICATION APPLICATION REQUEST FOR ADDITIONAL INFORMATION (RAI) NO. 286, SUPPLEMENT 5

Dear Ms. Sloan:

By letter to the Nuclear Regulatory Commission (NRC) dated March 5, 2010, you submitted an affidavit also dated March 5, 2010, executed by Kathleen A. Bennett requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

"Response to Request for Additional Information No. 286, Supplement 5".

A nonproprietary copy of this document has been added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room (ADAMS Accession Number ML100740279). 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.

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(s) 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, Senior Project Manager
EPR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-020

cc: D.C. AREVA - EPR Mailing List

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/RA/

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EPR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-020

cc: D.C. AREVA - EPR Mailing List

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