

May 10, 2011

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 NP RESPONSE TO U.S. EPR DESIGN CERTIFICATION APPLICATION REQUEST FOR INFORMATION 413, SUPPLEMENT 9

Dear Ms. Sloan:

By letter to the Nuclear Regulatory Commission (NRC) dated March 23, 2011, AREVA NP (AREVA) submitted an affidavit dated March 14, 2011, executed by AREVA Pedro Salas 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 U.S. EPR Design Certification Application RAI 413, Supplement 9

A nonproprietary copy of this document is included with the letter and can be found in the Agencywide Documents Access and Management System (ADAMS) from the Public Electronic Reading Room as ADAMS Accession No. ML110900469. Documents in ADAMS are available electronically at the NRC Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or have problems accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) staff at 415-415-4737 or at pdr@nrc.gov.

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 reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA in product optimization or marketability.

The NRC has 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. The NRC 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
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-020

cc: D.C. AREVA - EPR Mailing List

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Sincerely,

/RA/

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

Docket No. 52-020

cc: D.C. AREVA - EPR Mailing List

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ADAMS Accession Number: ML111020209; *via email

NRO-002

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DATE	04/12/11	04/12/11	04/28/11	05/10/11

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(Revised 04/08/2011)

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