

August 24, 2012

Mr. Pedro Salas, Manager
U.S. EPR New Plants Regulatory Affairs
AREVA NP Inc.
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE OF PROPRIETARY MATERIALS REGARDING
"SUBMITTAL OF TECHNICAL REPORT ANP-10322P, QUALIFICATION AND
TESTING OF THE U.S. EPR PASSIVE AUTOCATALYTIC RECOMBINER, IN
SUPPORT OF THE U.S. EPR DESIGN CERTIFICATION APPLICATION"

Dear Mr. Salas:

By email dated June 14, 2012, and associated affidavit executed by Gayle F. Elliott on June 14, 2012 (Agency wide Documents Access and Management System (ADAMS) Accession No. ML12171A085), you submitted a document: Submittal of Technical Report ANP-10322P, "Qualification and Testing of the U.S. EPR Passive Autocatalytic Recombiner," in support of the U.S EPR Design Certification Application. 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 390.

A proprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the ADAMS Public Electronic Reading Room (ADAMS Accession No. ML12171A088). The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

The information reveals details of AREVA NP's research and development plans and programs or their results.

Use of information by a competitor would permit the competitor to significantly reduce its expenditure, in time or resources, to design, produce, or market a similar product or service.

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.

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.

P. Salas

-2-

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 staff. You also should understand that the NRC staff 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 staff 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
Licensing Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No; 52-020

cc: See next page

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, Senior Project Manager
Licensing Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No; 52-020

cc: See next page

DISTRIBUTION:
PUBLIC

GTesfaye, NRO
SMitra, NRO
JMcLellan, NRO
RidsNroDsraScvb

RidsAcrsAcnwMailCenterResource
RidsNroDnrLb1Resource
RidsRgn2MailCenterResource
RidsOgcMailCenter

ADAMS Accession Number: ML122020514

NRO-002

OFFICE	DNRL/LB1: PM	DNRL/LB1: LA	DSRA/SCVB: BC	DNRL/LB1: PM
NAME	SMitra	JMcLellan	JMcKirgan	GTesfaye
DATE	08/01/12	08/02/12	08/07/12	08/24/12

OFFICIAL RECORD COPY

DCWG - EPR Mailing List

(Revised 06/06/2012)

cc:

Scott M. Bond
Manager
New Generation Development
Ameren Missouri
P.O. Box 620
Fulton, MO 65251

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

Mr. Adam C. Heflin
Senior Vice President and
Chief Nuclear Officer
AmerenUE/Callaway Plant
P.O. Box 620
Fulton, MO 65251

Mr. Tony Robinson
AREVA NP, Inc.
3315 Old Forest Road
Lynchburg, VA 24501

Rocco R. Sgarro
Manager
Nuclear Regulatory Affairs
PPL Nuclear Development, LLC
38 Bomboy Lane Suite 2
Berwick, PA 18603

DCWG - EPR Mailing List

Email

alau@washdc.whitecase.com (Albie Lau)
APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
brian.mcintyre@areva.com (Brian McIntyre)
BrinkmCB@westinghouse.com (Charles Brinkman)
CumminWE@Westinghouse.com (Edward W. Cummins)
cwaltman@roe.com (C. Waltman)
david.lewis@pillsburylaw.com (David Lewis)
gzinke@entergy.com (George Alan Zinke)
jerald.head@ge.com (Jerald G. Head)
Joseph_Hegner@dom.com (Joseph Hegner)
KSutton@morganlewis.com (Kathryn M. Sutton)
kscopelliti@pplweb.com (Karen Scopelliti)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
mark.t.hunter@unistarnuclear.com (Mark Hunter)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
mbowling@numarkassoc.com (Marty Bowling)
media@nei.org (Scott Peterson)
melto1ma@westinghouse.com (Michael Melton)
mike_moran@fpl.com (Mike Moran)
MSF@nei.org (Marvin Fertel)
nirsnet@nirs.org (Michael Mariotte)
Nuclaw@mindspring.com (Robert Temple)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul.Infanger@constellation.com (Paul Infanger)
Paul@beyondnuclear.org (Paul Gunter)
pbessette@morganlewis.com (Paul Bessette)
Rebecca.Smith-Kevern@nuclear.energy.gov (Rebecca Smith-Kevern)
RJB@NEI.org (Russell Bell)
rrsgarro@pplweb.com (Rocco Sgarro)
sabinski@suddenlink.net (Steve A. Bennett)
sfrantz@morganlewis.com (Stephen P. Frantz)
stephan.moen@ge.com (Stephan Moen)
strambgb@westinghouse.com (George Stramback)
tom.ryan@areva.com (Tom Ryan)
trsmith@winston.com (Tyson Smith)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
vincent.sorel@unistarnuclear.com (Vincent Sorel)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)

DCWG - EPR Mailing List

wayne.marquino@ge.com (Wayne Marquino)
wayne.massie@unistarnuclear.com (Wayne Massie)