August 19, 2009

Mr. Robert E. Link, Manager
Environmental, Health, Safety and Licensing
AREVA NP Inc.
2101 Horn Rapids Road
Richland, WA 99354

Dear Mr. Link:

By letter dated October 30, 2008, AREVA NP, Inc. (AREVA) submitted a letter to the U.S. Nuclear Regulatory Commission (NRC), stating its basis to request withholding of AREVA’s Advanced Notifications of Export Shipments from public disclosure. AREVA made its request pursuant to the requirements in Title 10 of the Code of Federal Regulations (10 CFR) Section 2.390, Public inspections, exemptions, requests for withholding. The NRC staff has reviewed the information provided by AREVA in its October 30, 2008, letter as well as previous advanced shipment notifications submitted by AREVA during calendar years 2007 and 2008 pursuant to the requirements in 10 CFR Section 73.73, Requirement for advance notice and protection of import shipments of nuclear material from countries that are not party to the Convention on the Physical Protection of Nuclear Material. In addition, as part of the staff’s assessment of AREVA’s claim that these notifications contain proprietary information, the staff performed an evaluation to determine if the information in the notifications could be compiled or otherwise manipulated to reveal trends or other aspects that might be considered proprietary information. The NRC staff also compared the information provided in the advanced shipment notifications against the information included in AREVA’s export/import license to determine if the information in these notifications contained any proprietary attributes.

After completing its evaluation, the NRC staff could not identify any specific trends, or patterns in AREVA’s advanced shipment notifications that could be detrimental to AREVA’s business. In addition, most of the information contained in AREVA’s notifications under 10 CFR Section 73.73 is already included in AREVA’s export/import license, which is publicly available.

Upon receipt of an advanced shipment notification from a licensee, the NRC temporarily withholds them due to security reasons while the material is in transit to its final destination. The NRC will make these notifications available to the public, 30 days after the material has been delivered.

In conclusion, the justifications that you have provided to withhold this information are insufficient and the information that you seek to be withheld is already available to the general public. The NRC also finds that no competitive harm would result from such disclosure. All other competitor’s export shipment notices are made publicly available 30 days after the shipment is completed.

The NRC staff is not able to determine that this type of information as described above is proprietary. Therefore, the notifications that you provide in the future should not be submitted
with a notarized affidavit requesting the NRC to withhold the information as proprietary under 10 CFR Section 2.390.

In accordance with 10 CFR Section 2.390 of the NRC’s “Rules of Practice,” a copy of this letter and will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC’s Agency-wide Documents Access and Management System (ADAMS). ADAMS is accessible through the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

We also will be, making public all of the above notification that we have received to date (where the shipment has occurred more then 30 days ago) 30 days after the date of this letter.

Sincerely,

Richard P. Correia, Director
Division of Security Policy
Office of Nuclear Security and Incident Response
with a notarized affidavit requesting the NRC to withhold the information as proprietary under 10 CFR Section 2.390.

In accordance with 10 CFR Section 2.390 of the NRC’s “Rules of Practice,” a copy of this letter and will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC’s Agency-wide Documents Access and Management System (ADAMS). ADAMS is accessible through the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

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Sincerely,

Richard P. Correia, Director
Division of Security Policy
Office of Nuclear Security and Incident Response

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