

October 16, 2007

Mr. Robert E. Brown  
Senior Vice President, Regulatory Affairs  
GE-Hitachi Nuclear Americas LLC  
3901 Castle Hayne Rd MC A-45  
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(MFN 07-100)

Dear Mr. Brown:

By letter dated March 26, 2007, and associated affidavit executed on March 26, 2007, by David H. Hinds, Mr. Hinds indicated that the information contained in GE-Hitachi Nuclear Americas LLC's (GEH's) response to Request for Additional Information (RAI) Letter Nos. 69, RAIs15.4-2 and 15.4-3, should be withheld as proprietary. He requested that this information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

A nonproprietary copy of the RAI response was provided in Enclosure 2 and was placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession No. ML070940206). The information in Enclosure 4 was proprietary in its entirety.

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

1. The information discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies; and
2. The information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

We have reviewed the March 26, 2007, letter and affidavit in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements therein, have determined that the 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 document. 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 301-415-2875.

Sincerely,

*/RA/*

Amy E. Cabbage, Senior Project Manager  
ESBWR/ABWR Projects Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-010

cc: See next page

R. Brown

-2-

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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 301-415-2875.

Sincerely,

*/RA/*

Amy E. Cabbage, Senior Project Manager  
ESBWR/ABWR Projects Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-010

cc: See next page

DISTRIBUTION:

Hard Copy  
NGE1 R/F  
ACabbage

E-Mail

PUBLIC  
NGE1 Group  
ACabbage  
KWinsberg, OGC  
RidsOgcMailCenter  
RidsAcrcAcnwMailCenter  
RidsNrrDciSnpb  
RidsNroDserRsac

ADAMS ACCESSION NO: ML071070317

OFFICE	PM:NGE1:DNRL	LA:NGE1:DNRL	PM:NGE1:DNRL	BC:DSER:RSAC	BC:NGE1:DNRL
NAME	AJohnson	SCGreen	AECabbage	CCox	MShuaibi-MGartman for:
DATE	05/10/2007	04/25/2007	10/09/2007	10/11/2007	10/16/2007

**OFFICIAL RECORD COPY**

DC GE - ESBWR Mailing List

List #24

cc:

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

Mr. Marvin Fertel  
Senior Vice President  
and Chief Nuclear Officer  
Nuclear Energy Institute  
1776 I Street, NW  
Suite 400  
Washington, DC 20006-3708

Mr. Ray Ganthner  
AREVA, Framatome ANP, Inc.  
3315 Old Forest Road  
P.O. Box 10935  
Lynchburg, VA 24506-0935

Email

APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
bennettS2@bv.com (Steve A. Bennett)  
bevans@enercon.com (Bob Evans)  
bob.brown@ge.com (Robert E. Brown)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
chris.maslak@ge.com (Chris Maslak)  
CumminWE@Westinghouse.com (Edward W. Cummins)  
cwaltman@roe.com (C. Waltman)  
dan1.williamson@ge.com (Dan Williamson)  
david.hinds@ge.com (David Hinds)  
david.lewis@pillsburylaw.com (David Lewis)  
David.piepmeyer@ge.com (David Piepmeyer)  
dlochbaum@UCSUSA.org (David Lochbaum)  
don.lewis@ge.com (Don Lewis)  
erg-xl@cox.net (Eddie R. Grant)  
frankq@hursttech.com (Frank Quinn)  
Frostie.white@ge.com (Frostie White)  
gcesare@enercon.com (Guy Cesare)  
george.honma@ge.com (George Honma)  
george.stramback@gene.ge.com (George Stramback)  
george.wadkins@ge.com (George Wadkins)  
GovePA@BV.com (Patrick Gove)  
greshaja@westinghouse.com (James Gresham)  
gzinke@entergy.com (George Alan Zinke)  
hickste@earthlink.net (Thomas Hicks)  
james.beard@gene.ge.com (James Beard)  
jcurtiss@winston.com (Jim Curtiss)  
jgutierrez@morganlewis.com (Jay M. Gutierrez)  
jim.kinsey@ge.com (James Kinsey)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
JJNesrsta@cpsenergy.com (James J. Nesrsta)  
joel.Friday@ge.com (Joel Friday)  
john.o'neil@pillsburylaw.com (John O'Neil)  
john.sorensen@ge.com (John Sorensen)  
Joseph.savage@ge.com (Joseph Savage)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
junichi\_uchiyama@mnes-us.com (Junichi Uchiyama)  
kathy.sedney@ge.com (Kathy Sedney)  
kenneth.ainger@exeloncorp.com  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kurt.schaefer@ge.com (Kurt Schaefer)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
lou.lanese@ge.com (Lou Lanese)  
lynchs@gao.gov (Sarah Lynch - Meeting Notices Only)  
MaddenG@BV.com (George Madden)  
Margaret.Bennett@dom.com (Margaret Bennett)

maria.webb@pillsburylaw.com (Maria Webb)  
mark.beaumont@wsms.com (Mark Beaumont)  
Marvin.Smith@dom.com (Marvin L. Smith)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
media@nei.org (Scott Peterson)  
mgiles@entergy.com (M. Giles)  
mike\_moran@fpl.com (Mike Moran)  
mwetterhahn@winston.com (M. Wetterhahn)  
nirsnet@nirs.org (Michael Mariotte)  
pareez.golub@ge.com (Pareez Golub)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
paul.gaukler@pillsburylaw.com (Paul Gaukler)  
Paul@beyondnuclear.org (Paul Gunter)  
peter.jordan@ge.com (Peter Jordan)  
Petrovb@westinghouse.com (Bojan Petrovic)  
phinnen@entergy.com (Paul Hinnenkamp)  
pshastings@duke-energy.com (Peter Hastings)  
RJB@NEI.org (Russell Bell)  
RKTemple@cpsenergy.com (R.K. Temple)  
roberta.swain@ge.com (Roberta Swain)  
ronald.hagen@eia.doe.gov (Ronald Hagen)  
sandra.sloan@areva.com (Sandra Sloan)  
SauerB@BV.com (Robert C. Sauer)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
sharon.lyons@ge.com  
steven.hucik@ge.com (Steven Hucik)  
steven.stark@ge.com (Steven Stark)  
tom.miller@hq.doe.gov (Tom Miller)  
trsmith@winston.com (Tyson Smith)  
VictorB@bv.com (Bill Victor)  
waraksre@westinghouse.com (Rosemarie E. Waraks)  
wayne.marquino@ge.com (Wayne Marquino)  
whorin@winston.com (W. Horin)