

August 25, 2008

Mr. Robert E. Brown  
Senior Vice President, Regulatory Affairs  
GE Hitachi Nuclear Energy  
3901 Castle Hayne Rd MC A-50  
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(MFN 06-205 SUPPLEMENT 3)

Dear Mr. Brown:

By letter dated July 9, 2008, and associated affidavit executed on July 9, 2008, by David H. Hinds, Mr. Hinds indicated that the information contained in "Submittal of Licensing Topical Report (LTR) NEDE-33279P, "ESBWR Containment Fission Product Removal Evaluation Model", Revision 2, July 2008," should be withheld as proprietary. GE-Hitachi Nuclear Energy (GEH) 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 this information was provided in Enclosure 2 and was placed in the NRC Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession No. ML081960490).

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 July 9, 2008, letter and affidavit in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements contained 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.

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 E. Oesterle for A. Cabbage/***

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

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 E. Oesterle for A. Cabbage/***

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  
SGreen  
JCruz

E-Mail

NGE1 Group  
RidsAcrsAcnwMailCenter  
RidsOgcMailCenter  
RidsNroDcipRsac

ADAMS ACCESSION NO: ML082330260

OFFICE	PM:NGE1:DNRL	LA:NGE1:DNRL	BC:RSAC:DCIP	BC:NGE1:DNRL
NAME	AECabbage-ERO for:	SGreen	CCox	JCruz
DATE	08/22/2008	08/21/2008	08/22/2008	08/25/2008

OFFICIAL RECORD COPY

R. Brown

- 2 -

DC GE - ESBWR Mailing List  
cc:

(Revised 08/13/2008)

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

Mr. Ray Ganthner  
Senior Vice President  
AREVA, NP, Inc. 3315  
Old Forest Road  
P.O. Box 10935  
Lynchburg, VA 24506-0935

## DC GE - ESBWR Mailing List

Email

aec@nrc.gov (Amy Cabbage)  
APH@NEI.org (Adrian Heymer)  
art.alford@ge.com (Art Alford)  
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)  
cberger@energetics.com (Carl Berger)  
charles.bagnal@ge.com  
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)  
Eugene\_Grecheck@dom.com (Eugene S. Grecheck)  
Frostie.white@ge.com (Frostie White)  
gcesare@enercon.com (Guy Cesare)  
GEH-NRC@hse.gsi.gov.uk (Geoff Grint)  
george.honma@ge.com (George Honma)  
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)  
jeff.waal@ge.com (Jeff Waal)  
jgutierrez@morganlewis.com (Jay M. Gutierrez)  
Jim.Kinsey@inl.gov (James Kinsey)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
jim.rogers@ge.com (Jim Rogers)  
JJNesrsta@cpsenergy.com (James J. Nesrsta)  
joel.Friday@ge.com (Joel Friday)  
John.O'Neill@pillsburylaw.com (John O'Neill)  
john.sorensen@ge.com (John Sorensen)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
junichi\_uchiyama@mnes-us.com (Junichi Uchiyama)  
kathy.warnock@ge.com (Kathy Warnock)  
kenneth.ainger@exeloncorp.com (Kenneth Ainger)

## DC GE - ESBWR Mailing List

kimberly.milchuck@ge.com (Kimberly Milchuck)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kurt.schaefer@ge.com (Kurt Schaefer)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
laura.bello@ge.com (Laura Bello)  
lee.dougherty@ge.com  
lou.lanese@ge.com (Lou Lanese)  
Marc.Brooks@dhs.gov (Marc Brooks)  
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)  
mike\_moran@fpl.com (Mike Moran)  
MSF@nei.org (Marvin Fertel)  
mwetterhahn@winston.com (M. Wetterhahn)  
nirsnet@nirs.org (Michael Mariotte)  
PAC2@nrc.gov (Peter Cochran)  
pareez.golub@ge.com (Pareez Golub)  
Pat.Woodfin@ge.com (Pat Woodfin)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
paul.gaukler@pillsburylaw.com (Paul Gaukler)  
Paul@beyondnuclear.org (Paul Gunter)  
peter.jordan@ge.com (Peter Jordan)  
phinnen@entergy.com (Paul Hinnenkamp)  
pshastings@duke-energy.com (Peter Hastings)  
randy.newton@ge.com (Randy Newton)  
rick.kingston@ge.com (Rick Kingston)  
RJB@NEI.org (Russell Bell)  
RKTemple@cpsenergy.com (R.K. Temple)  
Robert.Peters@ge.com (Robert Peters)  
roberta.swain@ge.com (Roberta Swain)  
Russell.Wells@Areva.com (Russell Wells)  
sandra.sloan@areva.com (Sandra Sloan)  
SauerB@BV.com (Robert C. Sauer)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
steven.hucik@ge.com (Steven Hucik)  
tdurkin@energetics.com (Tim Durkin)  
tom.childress@ge.com  
tom.miller@hq.doe.gov (Tom Miller)  
trsmith@winston.com (Tyson Smith)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
VictorB@bv.com (Bill Victor)  
Wanda.K.Marshall@dom.com (Wanda K. Marshall)  
wayne.cutright@ge.com (Wayne Cutright)

R. Brown

- 5 -

DC GE - ESBWR Mailing List

wayne.marquino@ge.com (Wayne Marquino)  
whorin@winston.com (W. Horin)