October 13, 2009

Mr. Jerald G. Head
Senior Vice President, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
P.O. Box 780, M/C A-18
Wilmington, NC 28401-0780

SUBJECT: GE HITACHI NUCLEAR ENERGY AMERICAS REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME1815)

Dear Mr. Head:

By letter dated July 31, 2009, GE-Hitachi Nuclear Energy Americas (GEH) submitted an affidavit dated July 31, 2009, executed by James F. Harrison, 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:

> "Applicability of GE Methods to Expanded Operating Domains – Supplement for GNF2 Fuel," NEDC-33173P, Supplement 3, July 2009

A nonproprietary copy of this document has been 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.

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

a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies; and

b. 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 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. 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 301-415-2365.

Sincerely,

/RA/

Stephen S. Philpott, Project Manager
Special Projects Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Project No. 710

cc: Mailing List

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Stephen S. Philpott, Project Manager
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ADAMS ACCESSION NO.: ML092720523 **NRR-084**

OFFICE	PSPB/PM	PSPB/LA	SNPB/BC	PSPB/BC
NAME	SPhilpott	DBaxley (CHawes for)	AMendiola	SRosenberg
DATE	10/13/09	10/6/09	10/6/09	10/13/09

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