September 7, 2010

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. ME3980)

Dear Mr. Head:

By letter dated April 5, 2010, GE-Hitachi Nuclear Energy Americas (GEH) submitted an affidavit dated April 5, 2010, 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:

> "Void Fraction Uncertainty Based on 10x10 Fuel Pressure Drop Data," NEDC-33173P, Supplement 3, Revision 0, dated April 2010

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 GEH's competitors without license from GEH 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
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Project No. 710

cc: Mailing List

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
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Project No. 710

cc: Mailing List

DISTRIBUTION:
PUBLIC
PSPB Reading File
RidsNrrDprPlpb
RidsNrrLAEHylton
RidsOgcMailRoom
RidsNrrDss
RidsNrrDssSnpb
RidsAcrsAcnwMailCenter
YOrechwa

ADAMS ACCESSION NO.: ML102420516 **NRR-084**

OFFICE	PLPB/PM	PLPB/LA	SNPB/BC	PLPB/BC	PLPB/PM
NAME	SPhilpott	EHylton	AMendiola	JJolicoeur	SPhilpott
DATE	08/31/2010	9/1/10	9/1/10	9/2/10	9/7/10

OFFICIAL RECORD COPY

cc:

Mr. James F. Harrison
GE-Hitachi Nuclear Energy Americas LLC
Vice President - Fuel Licensing
P.O. Box 780, M/C A-55
Wilmington, NC 28401-0780
james.harrison@ge.com

Ms. Patricia L. Campbell
Vice President, Washington Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
1299 Pennsylvania Avenue, NW
9th Floor
Washington, DC 20004
patricia.campbell@ge.com

Mr. Andrew A. Lingenfelter
Vice President, Fuel Engineering
Global Nuclear Fuel–Americas, LLC
P.O. Box 780, M/C A-55
Wilmington, NC 28401-0780
Andy.Lingenfelter@gnf.com

Edward D. Schrull
GE-Hitachi Nuclear Energy Americas LLC
Vice President - Services Licensing
P.O. Box 780, M/C A-51
Wilmington, NC 28401-0780
Edward.schrull@ge.com

Mr. Richard E. Kingston
GE-Hitachi Nuclear Energy Americas LLC
Vice President, ESBWR Licensing
PO Box 780, M/C A-65
Wilmington, NC 28401-0780
rick.kingston@ge.com