

April 28, 2014

Mr. Jerald G. Head  
Senior Vice President, Regulatory Affairs  
GE Hitachi Nuclear Energy  
3901 Castle Hayne Rd MC A-18  
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(MFN 12-043, REVISION 2)

Dear Mr. Head:

By letter dated August 9, 2013, you submitted an affidavit dated the same, executed by yourself, requesting that information 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:

“NRC Requests for Additional Information Related to the Audit of the Economic Simplified Boiling Water Reactor (ESBWR) Steam Dryer Design Methodology Supporting Chapter 3 of the ESBWR Design Control Document – Response for RAI 3.9-269, Supplement 1”

A nonproprietary copy of this information was provided in Enclosures 3 and 4 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 Nos. ML13225A280 and ML13225A282).

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 GEH and/or other companies.
- c. Information that reveals aspects of past, present, or future GEH customer-funded development plans and programs, that may include potential products of GEH.
- d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.

J. Head

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We have reviewed the August 9, 2013, letter and the affidavit 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 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 301-415-6590 or [David.Misenhimer@nrc.gov](mailto:David.Misenhimer@nrc.gov).

Sincerely,

**/RA/**

David Misenhimer, Project Manager  
Licensing Branch 3  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-010

cc: See next page

J. Head

- 2 -

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Sincerely,

**/RA/**

David Misenhimer, Project Manager  
Licensing Branch 3  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-010

cc: See next page

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NRO-002

<b>OFFICE</b>	DNRL:LB3:PM	DNRL:LB3:LA	BC:DE:EMB	DNRL:LB3:PM
<b>NAME</b>	DMisenhimer (c)	SGreen	TClark	DMisenhimer (s)
<b>DATE</b>	12/27/13	9/12/13	1/23/14	4/28/14

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Email

APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
bevans@enercon.com (Bob Evans)  
bgattoni@roe.com (William (Bill) Gattoni))  
brandonm@dteenergy.com (Michael Brandon)  
charles.bagnal@ge.com (Charles Bagnal)  
charles@blackburncarter.com (Charles Irvine)  
CumminWE@Westinghouse.com (Edward W. Cummins)  
cwaltman@roe.com (C. Waltman)  
Daniel.Chalk@nuclear.energy.gov (Daniel Chalk)  
david.hinds@ge.com (David Hinds)  
david.lewis@pillsburylaw.com (David Lewis)  
David.piepmeyer@ge.com (David Piepmeyer)  
donaldf.taylor@ge.com (Don Taylor)  
erg-xl@cox.net (Eddie R. Grant)  
gcesare@enercon.com (Guy Cesare)  
GEH-NRC@hse.gsi.gov.uk (Geoff Grint)  
GovePA@BV.com (Patrick Gove)  
hickste@earthlink.net (Thomas Hicks)  
hugh.upton@ge.com (Hugh Upton)  
james1.beard@ge.com (James Beard)  
jerald.head@ge.com (Jerald G. Head)  
Jerold.Marks@ge.com (Jerold Marks)  
Jim.Kinsey@inl.gov (James Kinsey)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
kimberly.milchuck@ge.com (Kimberly Milchuck)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
lchandler@morganlewis.com (Lawrence J. Chandler)  
lee.dougherty@ge.com  
maria.webb@pillsburylaw.com (Maria Webb)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
media@nei.org (Scott Peterson)  
MSF@nei.org (Marvin Fertel)  
nirsnet@nirs.org (Michael Mariotte)  
Nuclaw@mindspring.com (Robert Temple)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
Paul@beyondnuclear.org (Paul Gunter)  
pbessette@morganlewis.com (Paul Bessette)  
peter.yandow@ge.com (Peter Yandow)  
RJB@NEI.org (Russell Bell)  
sabinski@suddenlink.net (Steve A. Bennett)  
sara.andersen@ge.com (Sara Anderson)  
sfrantz@morganlewis.com (Stephen P. Frantz)

DC GEH - ESBWR Mailing List

stephan.moen@ge.com (Stephan Moen)  
strambgb@westinghouse.com (George Stramback)  
timothy1.enfinger@ge.com (Tim Enfinger)  
tom.miller@hq.doe.gov (Tom Miller)  
Tony.Robinson@areva.com (Tony Robinson)  
trsmith@winston.com (Tyson Smith)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
Wanda.K.Marshall@dom.com (Wanda K. Marshall)  
wayne.marquino@ge.com (Wayne Marquino)  
whorin@winston.com (W. Horin)