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 13-015)

Dear Mr. Head:

By letter dated September 18, 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 – GEH Response to RAI 3.9-295"

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. ML13261A025).

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.

b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive potion in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

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.

We have reviewed the September 18, 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.

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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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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OFFICE	DNRL:LB3:PM	DNRL:LB3:LA	BC:DE:EMB	DNRL:LB3:PM
NAME	DMisenhimer (c)	SGreen	TClark	DMisenhimer (s)
DATE	12/27/13	10/28/13	1/15/14	4/28/13

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