



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 8, 2016

Scott P. Murray, Manger
Facility Licensing
GE Hitachi Nuclear Energy
3901 Castle Hayne Road
Wilmington, N.C. 28402

SUBJECT: GE HITACHI NUCLEAR ENERGY AMERICAS LLC - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(CAC NO. MF4466)

Dear Mr. Murray:

By letter dated May 27, 2016, you submitted an affidavit dated May 27, 2016, executed by yourself on behalf of GE Hitachi Nuclear Energy Americas LLC (GEH), 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:

Vallecitos Nuclear Center Nuclear Test Reactor (NTR) Operator License Expirations
Response to CR 18665: Root Cause Analysis Report

The reasons for requesting our withholding of this information considered by GEH to be proprietary was stated to be:

- 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 position 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 your application and all of the supporting information in accordance with the requirements of 10 CFR 2.390 and have concluded that the information sought to be withheld from public disclosure does contain some trade secrets and GEH proprietary information. However, our review also found information not normally held in confidence or which is already publically available and would cause no harm to GEH if publically disclosed. The right of the

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public to be apprised as to the basis for and effects of the proposed action outweighs the demonstrated concern for protection of your competitive position for a complete withholding of the submitted documentation.

Accordingly, we have concluded that the information sought to be withheld from public disclosure does not meet the requirements of 10 CFR 2.390. Therefore, your request to withhold Vallecitos Nuclear Center Nuclear Test Reactor (NTR) Operator License Expirations Response to CR 18665: Root Cause Analysis Report from public disclosure is denied.

Within 30 days from the receipt of this letter, a redacted, non-proprietary version of the Root Cause Analysis Report should be submitted to the U.S. Nuclear Regulatory Commission Document Control Desk or you should request withdrawal of the document in accordance with 10 CFR 2.390(c), your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure and returned to you.

If you have any questions regarding this matter, I may be reached at 301-415-3724 or by electronic mail at Duane.Hardesty@nrc.gov.

Sincerely,

/RA/

Duane A. Hardesty, Senior Project Manager
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-73

cc: See next page

S. Murray

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Sincerely,

/RA/

Duane A. Hardesty, Senior Project Manager
Research and Test Reactors Licensing Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket No. 50-73

cc: See next page

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GE Hitachi (NTR)

Docket No. 50-073

cc:

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