



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

February 4, 2019

Ms. Michelle P. Catts
Senior Vice President, Regulatory Affairs
GE Hitachi Nuclear Energy
3901 Castle Hayne Road MC A-18
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR GE-HITACHI NUCLEAR ENERGY ADVANCED BOILING-WATER
REACTOR DESIGN CERTIFICATION RULE RENEWAL APPLICATION

Dear Ms. Catts:

By letter dated March 28, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18092A303), you submitted an affidavit, executed on March 20, 2018 by Patricia L. Campbell, Vice President, Washington Regulatory Affairs, of GE-Hitachi Nuclear Energy Americas LLC (GEH), requesting that the information contained in Enclosure 4, GEH proprietary report, NEDE-33878P be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. Enclosure 4 is titled as follows:

NEDO-33878, Revision 3 "ABWR ECCS Suction Strainer Evaluation of Long-Term Recirculation Capability"

A nonproprietary copy of this document, Enclosure 3, has been placed in the U. S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the ADAMS Electronic Reading Room (ADAMS Accession No. ML18092A306).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because it is:

- 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.

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 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 or comments concerning this matter, I can be reached at 301-415-4093 or via e-mail address at Adrian.Muniz@nrc.gov.

Sincerely,

/RA/

Adrian Muñoz, Lead Project Manager
Licensing Branch 3
Division of Licensing, Siting, and
Environmental Analysis
Office of New Reactors

Docket No. 52-045

Enclosure:
As stated

cc: See next page

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