



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

November 17, 2020

Ms. Michelle Catts  
Senior Vice President, Regulatory Affairs  
GE-Hitachi Nuclear Energy Americas, LLC.  
P.O. Box 780, M/C A-18  
Wilmington, NC 28402 USA

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR GE-HITACHI NUCLEAR ENERGY AMERICAS, LLC.

Dear Ms. Catts:

By letters to the U.S. Nuclear Regulatory Commission (NRC) included in the list below, GE-Hitachi Nuclear Energy Americas, LLC (GEH) requested that the information included within the letters, or as an enclosure to the letters, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

Letter Number and Date	Subject	Package Accession Number	Affidavit
M200027 February 20, 2020	Presentation Slides for Pre-Application Meeting for Planned Submittal of GE-Hitachi BWRX-300 Selected Topical Reports	ML20260H050	ML20260H053
M200054 March 31, 2020	Pre-Application Submittal of NEDC-33911P, BWRX-300 Containment Performance Licensing Topical Report	ML20091S340	ML20091S371
M200055 March 31, 2020	Pre-Application Submittal of NEDC-33912P, BWRX-300 Reactivity Control Licensing Topical Report	ML20092A016	ML20092A032
M200090 June 26, 2020	Response to Request for Additional Information (eRAI) 9745 for Licensing Topical Report NEDC-33911P, Revision 0, BWRX-300 Containment Performance	ML20178A705	ML20178A709
M200096 July 24, 2020	Responses to Requests for Additional Information (eRAIs) 9746, 9760, 9764, 9765, 9766, and 9767 for Licensing Topical Report NEDC-33911P, Revision 0, BWRX-300 Containment Performance	ML20206L386	ML20206L395
M200100 July 31, 2020	Response to Request for Additional Information (eRAI) 9758 for Licensing Topical Report NEDC-33911P, Revision 0, BWRX-300 Containment Performance	ML20213C742	ML20213C746
M200099 August 3, 2020	Response to Request for Additional Information (eRAI) 9761 for Licensing Topical Report NEDC-33912P, Revision 0, BWRX-300 Reactivity Control	ML20216A748	ML20216A753

Letter Number and Date	Subject	Package Accession Number	Affidavit
M200121 September 4, 2020	Pre-Application Submittal of Supplement 1 of NEDC-33911P, BWRX-300 Containment Performance Licensing Topical Report	ML20248H570	ML20248H574
M200122 September 4, 2020	Pre-Application Submittal of Supplement 1 of NEDC-33912P, BWRX-300 Reactivity Control Licensing Topical Report	ML20248H540	ML20248H545

The affidavits state that the submitted information should be considered exempt from disclosure as set forth in the Freedom of Information Act, the Trade Secrets Act and the NRC's regulations because it is proprietary as defined below:

- 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;
- 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;
- c. Information which reveals aspects of past, present, or future GEH customer-funded development plans and programs, resulting in potential products to GEH;
- d. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The NRC staff reviewed the material in accordance with the requirements of 10 CFR Section 2.390. In NEDC-33911P, Revision 0, "BWRX-300 Containment Performance Licensing Topical Report," and NEDC-33912P, Revision 0, "BWRX-300 Reactivity Control Licensing Topical Report," the NRC staff identified proprietary markings around information that, on its face, did not appear to be proprietary. I raised the matter with your staff, who in turn agreed to reconsider the markings for both submittals. Subsequently, supplemental submittals identified information that had been reclassified as non-proprietary in their respective revision summaries.

The NRC staff appreciates your efforts in furtherance of the "Openness" Principle of Good Regulation. Based upon the statements in the affidavit, we have determined that the submitted material, sought to be withheld, contains proprietary commercial information and should be withheld from public disclosure. In addition, non-proprietary information has been appropriately declassified in Supplement 1 of NEDC-33911P, Revision 0, "BWRX-300 Containment Performance Licensing Topical Report," and Supplement 1 of NEDC-33912P, Revision 0, "BWRX-300 Reactivity Control Licensing Topical Report." Therefore, versions of the submitted information marked as proprietary have been withheld from public disclosure pursuant to 10 CFR Section 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, the NRC staff may send copies of this information to our consultants working in this area. The NRC staff 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 staff. You also should understand that the NRC staff 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 staff 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 via e-mail at [Rani.Franovich@nrc.gov](mailto:Rani.Franovich@nrc.gov).

Sincerely,

*/RA/*

Rani Franovich, Senior Project Manager  
New Reactor Licensing Branch  
Division of New and Renewed Licenses  
Office of Nuclear Reactor Regulation

Docket No. 99900003

cc: ListServe GEH BWRX-300 NEDC-33911P  
ListServe GEH BWRX-300 NEDC-33912P

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FOR GE-HITACHI NUCLEAR ENERGY AMERICAS, LLC  
DATED: NOVEMBER 17, 2020

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**ADAMS Accession No.: ML20290A264**

**\*via email**

**NRR-106**

<b>OFFICE</b>	NRR/DNRL/NRLB: PM	NRR/DNRL/NRLB: LA	NRR/DNRL/NRLB: PM
<b>NAME</b>	RFranovich	CSmith*	RFranovich (signed)
<b>DATE</b>	10/15/2020	10/20/2020	11/17/2020

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