

June 23, 2008

Mr. Robert E. Brown  
Senior Vice President, Regulatory Affairs  
GE Hitachi Nuclear Energy  
3901 Castle Hayne M/C A50  
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(MFN 08-347)

Dear Mr. Brown:

By letter dated May 9, 2008, and associated affidavit executed on May 9, 2008, by David H. Hinds, Mr. Hinds indicated that the information contained in "Response to Portion of NRC Request for Additional Information Letter No. 110 Related to ESBWR Design Certification Application – RAI Numbers 4.2-2 Supplement 3, 4.2-4 Supplement 2 and 4.8-6 Supplement 1," should be withheld as proprietary. GE Hitachi Nuclear Energy (GEH) requested that this information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

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. ML081350380).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. The information 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; and
2. The 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.

We have reviewed the May 9, 2008, letter and affidavit in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements contained therein, have determined that the 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.

R. Brown

- 2 -

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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 301-415-6715.

Sincerely,

*/RA/*

Bruce M. Bovol, Project Manager  
ESBWR/ABWR Projects Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-010

cc: See next page

R. Brown

- 2 -

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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 301-415-6715.

Sincerely,

*/RA/*

Bruce M. Bavol, Project Manager  
ESBWR/ABWR Projects Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-010

cc: See next page

Distribution:

Hard Copy

NGE1 R/F

BBavol

SGreen

JCruz

E-Mail

NGE1 Group

RidsAcrcAcnwMailCenter

RidsOgcMailCenter

RidsNroDsraSrsb

ADAMS ACCESSION NO: ML081500081

OFFICE	PM:NGE1:DNRL	LA:NGE1:DNRL	BC:SRSB:DSRA	BC:NGE1:DNRL
NAME	BMBavol	SCGreen	JDonoghue	JCruz
DATE	06/16/2008	06/11/2008	06/19/2008	06/23/2008

OFFICIAL RECORD COPY

DC GE - ESBWR Mailing List

(Revised 06/09/2008)

cc:

Ms. Michele Boyd  
Legislative Director  
Energy Program  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. Ray Ganthner  
Senior Vice President  
AREVA, NP, Inc. 3315  
Old Forest Road  
P.O. Box 10935  
Lynchburg, VA 24506-0935

Email

aec@nrc.gov (Amy Cubbage)  
APH@NEI.org (Adrian Heymer)  
art.alford@ge.com (Art Alford)  
awc@nei.org (Anne W. Cottingham)  
bennettS2@bv.com (Steve A. Bennett)  
bevans@enercon.com (Bob Evans)  
bob.brown@ge.com (Robert E. Brown)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
cberger@energetics.com (Carl Berger)  
chris.maslak@ge.com (Chris Maslak)  
CumminWE@Westinghouse.com (Edward W. Cummins)  
cwaltman@roe.com (C. Waltman)  
dan1.williamson@ge.com (Dan Williamson)  
david.hinds@ge.com (David Hinds)  
david.lewis@pillsburylaw.com (David Lewis)  
David.piepmeyer@ge.com (David Piepmeyer)  
dennis.chin@ge.com (Dennis Chin)  
dlochbaum@UCSUSA.org (David Lochbaum)  
don.lewis@ge.com (Don Lewis)  
erg-xl@cox.net (Eddie R. Grant)  
Eugene\_Grecheck@dom.com (Eugene S. Grecheck)  
frankq@hursttech.com (Frank Quinn)  
Frostie.white@ge.com (Frostie White)  
gcesare@enercon.com (Guy Cesare)  
GEH-NRC@hse.gsi.gov.uk (Geoff Grint)  
george.honma@ge.com (George Honma)  
george.stramback@gene.ge.com (George Stramback)  
george.wadkins@ge.com (George Wadkins)  
GovePA@BV.com (Patrick Gove)  
greshaja@westinghouse.com (James Gresham)  
gzinke@entergy.com (George Alan Zinke)  
hickste@earthlink.net (Thomas Hicks)  
james.beard@gene.ge.com (James Beard)  
jeff.waal@ge.com (Jeff Waal)  
jgutierrez@morganlewis.com (Jay M. Gutierrez)  
jim.kinsey@ge.com (James Kinsey)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
jim.rogers@ge.com (Jim Rogers)  
JJNesrsta@cpsenergy.com (James J. Nesrsta)  
joel.Friday@ge.com (Joel Friday)  
John.O'Neill@pillsburylaw.com (John O'Neill)  
john.sorensen@ge.com (John Sorensen)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
junichi\_uchiyama@mnes-us.com (Junichi Uchiyama)

kathy.sedney@ge.com (Kathy Sedney)  
kathy.warnock@ge.com (Kathy Warnock)  
kenneth.ainger@exeloncorp.com (Kenneth Ainger)  
kimberly.milchuck@ge.com (Kimberly Milchuck)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kurt.schaefer@ge.com (Kurt Schaefer)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
laura.bello@ge.com (Laura Bello)  
lou.lanese@ge.com (Lou Lanese)  
Marc.Brooks@dhs.gov (Marc Brooks)  
maria.webb@pillsburylaw.com (Maria Webb)  
mark.beaumont@wsms.com (Mark Beaumont)  
Marvin.Smith@dom.com (Marvin L. Smith)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
media@nei.org (Scott Peterson)  
mike\_moran@fpl.com (Mike Moran)  
MSF@nei.org (Marvin Fertel)  
mwetterhahn@winston.com (M. Wetterhahn)  
nirsnet@nirs.org (Michael Mariotte)  
PAC2@nrc.gov (Peter Cochran)  
pareez.golub@ge.com (Pareez Golub)  
Pat.Woodfin@ge.com (Pat Woodfin)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
paul.gaukler@pillsburylaw.com (Paul Gaukler)  
Paul@beyondnuclear.org (Paul Gunter)  
peter.jordan@ge.com (Peter Jordan)  
phinnen@entergy.com (Paul Hinnenkamp)  
pshastings@duke-energy.com (Peter Hastings)  
randy.newton@ge.com (Randy Newton)  
RJB@NEI.org (Russell Bell)  
RKTemple@cpsenergy.com (R.K. Temple)  
roberta.swain@ge.com (Roberta Swain)  
Russell.Wells@Areva.com (Russell Wells)  
sandra.sloan@areva.com (Sandra Sloan)  
SauerB@BV.com (Robert C. Sauer)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
steven.hucik@ge.com (Steven Hucik)  
steven.stark@ge.com (Steven Stark)  
tdurkin@energetics.com (Tim Durkin)  
tom.miller@hq.doe.gov (Tom Miller)  
trsmith@winston.com (Tyson Smith)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
VictorB@bv.com (Bill Victor)  
Wanda.K.Marshall@dom.com (Wanda K. Marshall)  
wayne.cutright@ge.com (Wayne Cutright)  
wayne.marquino@ge.com (Wayne Marquino)  
whorin@winston.com (W. Horin)