

August 10, 2007

Mr. Joseph A Savage
Manager, ABWR Licensing
3901 Castle hayne Road, M/C J70
Wilmington, NC 28402-2819

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -
LICENSING TOPICAL REPORT RELATED TO THE REACTOR VESSEL
MATERIAL SURVEILLANCE PROGRAM FOR THE ADVANCED BOILING
WATER REACTOR (TAC NO. MD5421)

Dear Mr. Savage:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated April 27, 2007, General Electric Energy (GE) submitted an affidavit dated April 27, 2007, executed by Mr. Steven J. Stark, requesting that the information contained in Licensing Topical Report NEDO-33315P, "Advanced Boiling Water Reactor (ABWR) Reactor Pressure Vessel Material Surveillance Program" be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390(a)(4):

The affidavit stated, in part, that the submitted information should be considered exempt from mandatory public disclosure because it qualifies as a trade secret.

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 you have not provided sufficient justification for us to determine that the information sought to be withheld from public disclosure contains proprietary or confidential commercial or financial information. You have identified certain fluence values as proprietary and this is not the type of information that is normally withheld from the public.

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 Licensing Topical Report NEDO-33315P from public disclosure is denied.

J. Savage

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Within 30 days from the receipt of this letter, the subject documents will be placed in the Nuclear Regulatory Commission's Public Document Room. If, within 30 days of the receipt of this letter, you request withdrawal of the documents 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 can be reached at 301-415-1494.

Sincerely,

/RA/

George F. Wunder, Senior Project Manager
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-001

cc: See next page

J. Savage

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