

GE-Hitachi Nuclear Energy

Joseph A. Savage

Project Manager, ABWR Licensing
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road, M/C J70
Wilmington, NC 28402
USA

T 910-602-1885
F 910-602-1720
joseph.savage@ge.com

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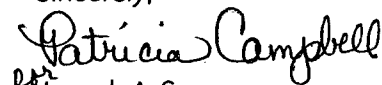
Subject: Request for Return of Licensing Topical Report NEDE-33315P Related to the Reactor Vessel Material Surveillance Program for the Advanced Boiling Water Reactor (TAC No. MD5421)

By letter dated April 27, 2007, GE-Hitachi Nuclear Energy (GEH), then GE Nuclear Energy, submitted Licensing Topical Report NEDE-33315P, "Advanced Boiling Water Reactor (ABWR), Reactor Pressure Vessel Material Surveillance Program" (non-proprietary NEDO-33315). GE Nuclear Energy requested that certain parts of the report be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4). NRC letter dated August 10, 2007 (Reference 1), notified GEH that the request for withholding did not contain sufficient justification in that at least a portion of the information marked as proprietary is of the type not normally withheld from the public (i.e., certain fluence values).

GEH continues to maintain that the information marked proprietary is of the type normally maintained confidential and is of commercial value to GEH. In order to fully review the NRC concerns presented in the August 10, 2007, letter, GEH requests return of the document in accordance with the provisions in 10 CFR 2.390(c)(3). GEH will review, appropriately mark, and prepare sufficient justification for those portions of the document that are considered proprietary. The Topical Report will be resubmitted within 30 days of the date of this letter.

Please contact me if you have any questions regarding this request.

Sincerely,


for Joseph A. Savage
Project Manager, ABWR Licensing

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NRC

Reference:

1. MFN 07-464, Letter from G. Wunder, U.S. Nuclear Regulatory Commission, to J. Savage, *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. MD 5421)*, Aug. 10, 2007.

CC:
G. Wunder, NRC