

September 28, 2007

Mr. Joseph Savage  
GE-Hitachi Nuclear Energy Americas LLC  
Project Manager, ABWR Licensing  
3901 Castle Hayne Road M/C J-70  
Wilmington, NC 28402

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -  
LICENSING TOPICAL REPORT RELATED TO THE HYDROGEN RECOMBINER  
REQUIREMENTS ELIMINATION FOR THE ADVANCED BOILING WATER  
REACTOR (TAC MD5681)

Dear Mr. Savage:

By letter to the U.S. Nuclear Regulatory Commission (NRC), dated September 4, 2007, GE-Hitachi Nuclear Energy Americas LLC (GEH) submitted an affidavit dated September 4, 2007, by Joseph Savage, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Licensing Topical Report NEDE-33330P, "Hydrogen Recombiner Requirements Elimination,"  
Revision 1

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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 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 regarding this matter, I may be reached at 301-415-4045.

Sincerely,

***/RA/***

Mark E. Tonacci, Project Manager  
ESBWR/ABWR Projects Branch 2  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-001

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.

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Sincerely,

**/RA/**

Mark E. Tonacci, Project Manager  
ESBWR/ABWR Projects Branch 2  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-001

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