

April 24, 2013

Frederick P. "Ted" Schiffley, II
c/o GE-Hitachi Nuclear Energy
P.O. Box 780
3901 Castle Hayne Road, M/C A-70
Wilmington, NC 28402

SUBJECT: BOILING WATER REACTOR OWNER'S GROUP (BWROG) REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Schiffley:

By letter dated January 31, 2013, you submitted an affidavit dated January 16, 2013, executed by Mr. James Harrison, Vice President Fuel Licensing, GE-Hitachi Nuclear Energy Americas, LLC, requesting that the information contained in Enclosure 1 to your letter, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. Enclosure 1 is titled as follows:

GEH Evaluation of the FLEX Implementation Guidelines (NEDC-33771P, Rev. 1),
TPN: BWROG-TP-13-002.

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

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because it is:

- 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 GEH or other companies;
- b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

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 301-415-1002.

Sincerely,

/RA/

Joseph A. Golla, Project Manager
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Project No. 691

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