October 3, 2001

Mr. James F. Klapproth, Manager
Engineering & Technology
GE Nuclear Energy
175 Curtner Avenue
San Jose, CA 95125

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Klapproth:

By letter dated June 6, 2001, and affidavit dated June 6, 2001, executed by George Stramback, GE Nuclear Energy submitted a partial response to the NRC's April 16, 2001, request for additional information regarding Topical Report NEDC-32938P, "Generic Guidelines for General Electric Boiling Water Reactor Thermal Power Optimization," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A non-proprietary version of the response was not provided for placement in the NRC public document room and addition to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

(4) a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies;

b. 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 your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, we have determined that the partial response to the NRC's April 16, 2001, request for additional information regarding Topical Report NEDC-32938P, "Generic Guidelines for General Electric Boiling Water Reactor Thermal Power Optimization," marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(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.

Sincerely,

/RA/

Robert Pulsifer, Project Manager, Section1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 710

cc: See next page

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Sincerely,
/RA/
Robert Pulsifer, Project Manager, Section1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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