

September 24, 2002

Mr. C. J. Deacon, Manager
Advanced Reactor Programs
General Electric Company
175 Curtner Avenue, M/C 365
San Jose, CA 95125-1014

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR OCTOBER 3 AND 4, 2002, MEETING (MFN 02-058)

Dear Mr. Deacon:

By letter dated September 13, 2002, and associated affidavit executed on September 13, 2002, by David J. Robare, you indicated that you hold the information to be discussed during a meeting scheduled for October 3 and 4, 2002, to be proprietary. You requested that these discussions be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.790 (10 CFR 2.790). The purpose of the October 3 and 4, 2002, meeting is to discuss the ESBWR pre-application review, specifically, the ESBWR test and analysis program description, the ESBWR test program, the SBWR test program and qualification of the TRACG analysis method.

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

- (1) the information 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;
- (2) the information, 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; and
- (3) the information reveals aspects of past, present, or future General Electric customer-funded development plans and programs, of potential commercial value to General Electric.

We have reviewed your letter and affidavit in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the information to be discussed at the October 3 and 4, 2002, meeting sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the portions of the meeting on October 3 and 4, 2002, when this proprietary information will be discussed will be closed to the public. A portion of the meeting on October 3, 2002, in which no

C. J. Deacon

- 2 -

proprietary information is planned to be discussed, will be open to the public. A non-proprietary summary of the meeting will be prepared and placed in ADAMS. If you have any questions regarding this matter, I may be reached at 301-415-2875.

Sincerely,

/RA/

Amy E. Cabbage, ESBWR Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 717

cc: See next page

C. J. Deacon

- 2 -

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Sincerely,

/RA/

Amy E. Cabbage, ESBWR Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 717

cc: See next page

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J. Moore, OGC

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* see previous concurrence

ACCESSION NUMBER: ML022660564

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DATE	9/24/02	9/23/02	9/24/02

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ESBWR

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