

December 18, 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 02-062)

Dear Mr. Deacon:

By letter dated October 1, 2002, and associated affidavit executed on October 1, 2002, by George B. Stramback, you indicated that you hold the presentation slides that were subsequently presented to the staff during the closed portion of a meeting that was held on October 3 and 4, 2002, to be proprietary. You requested that these presentation slides be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.790 (10 CFR 2.790).

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 Company's (GE's) competitors without license from GE 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 GE customer-funded development plans and programs, of potential commercial value to GE; and
- (4) the information discloses patentable subject matter for which it may be desirable to obtain patent protection. GE is pursuing patent applications in the United States Patent Office.

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 slides presented at the October 3 and 4, 2002, meeting sought to be withheld, contain proprietary commercial information and should be withheld from public disclosure.

C. J. Deacon

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If you have any questions regarding this matter, I may be reached at 301-415-2875.

Sincerely,

/RA/

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

Project No. 717

cc: See next page

C. J. Deacon

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Amy E. Cubbage, ESBWR Project Manager
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ESBWR

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