

December 9, 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 DECEMBER 12, 2002, MEETING (MFN 02-093)

Dear Mr. Deacon:

By letter dated December 4, 2002, and associated affidavit executed on December 4, 2002, by George B. Stramback, you indicated that you hold the information to be discussed during a meeting scheduled for December 12, 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 December 12, 2002, meeting is to discuss the ESBWR pre-application review, specifically, the proprietary report NEDC-33083P, "TRACG Application for ESBWR," submitted on November 19, 2002, and NEDC-33082P, "ESBWR Scaling Report," which you are scheduled to submit in late December 2002.

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 December 12, 2002, meeting sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the portions of the meeting on December 12, 2002, when this proprietary information will be discussed will be closed to the public. A portion of the meeting on December 12, 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 -

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

Distribution
HARD COPY
NRLPO R/F
A. Cabbage
M. Gamberoni

E-MAIL
PUBLIC
J. Moore, OGC
M. Siemien, OGC
T. Bergman, EDO
J. Wermiel

ACCESSION NUMBER: ML023430506

OFFICE	PM:NRLPO	BC:SRBX	OGC	DD:NRLPO
NAME	ACabbage	JWermiel	MPSiemen	MGamberoni
DATE	12/5/02	12/5/02	12/9/02	12/9/02

OFFICIAL RECORD COPY

ESBWR

cc:

C. J. Deacon
Manager, Advanced Reactor Programs
GE Nuclear Energy
175 Curtner Avenue, MC 365
San Jose, CA 95125 USA

J. Alan Beard
GE Nuclear Energy
13113 Chestnut Oak Drive
Darnestown, MD 20878-3554

Atambir Rao
Project Manager, ESBWR
GE Nuclear Energy
175 Curtner Avenue, MC 365
San Jose, CA 95125 USA

Mr. Kelly R. Fletcher, Manager
Business Development and Advanced
Technologies
GE Nuclear Energy
175 Curtner Avenue, MC 784
San Jose, CA 95125

Mr. David Lochbaum, Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street, NW., Suite 600
Washington, DC 20006-3919

Dr. Gail H. Marcus
U.S. Department of Energy
Office of Nuclear Energy, Science
& Technology
1000 Independence Avenue, SW
Washington, DC 20585

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. James Riccio
Greenpeace
702 H Street, Suite 300
Washington, DC 20001

Mr. Ron Simard
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Thomas P. Miller
U.S. Dept. of Energy, NE-20, Rm. A286
Headquarters - Germantown
19901 Germantown Road
Germantown, MD 20874-1290

Mr. Edwin Lyman
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Mr. Jack W. Roe
SCIENTECH, INC.
910 Clopper Road
Gaithersburg, MD 20878

Mr. David Ritter
Research Associate on Nuclear Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Tom Clements
6703 Gude Avenue
Takoma Park, MD 20912

Patricia Campbell
Winston & Strawn
1400 L Street, NW
Washington, DC 20005

Mr. James F. Mallay, Director
Regulatory Affairs
FRAMATOME, ANP
3315 Old Forest Road
Lynchburg, VA 24501

Mr. Vince Langman
Licensing Manager
Atomic Energy of Canada Limited
2251 Speakman Drive
Mississauga, Ontario
Canada L5K 1B2

Mr. Gary Wright, Manager
Office of Nuclear Facility Safety
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704

ESBWR (continued)

Mr. Charles Brinkman
Westinghouse Electric Co.
Washington Operations
12300 Twinbrook Pkwy., Suite 330
Rockville, MD 20852

Mr. Michael M. Corletti
Passive Plant Projects & Development
AP600 & AP1000 Projects
Westinghouse Electric Company
Post Office Box 355
Pittsburgh, Pennsylvania 15230-0355