

May 1, 2003

Mr. George B. Stramback  
Regulatory Services Project Manager  
GE Nuclear Energy  
175 Curtner Avenue  
San Jose, CA 95125

SUBJECT: GE NUCLEAR ENERGY REQUEST FOR WITHHOLDING INFORMATION  
FROM PUBLIC DISCLOSURE

Dear Mr. Stramback:

By letter dated April 21, 2003, GE Nuclear Energy (GENE) submitted an affidavit dated April 21, 2003, executed by James F. Klapproth, requesting that the following compact disks be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

"TRACG Code Files" and "TRACG Graphical Output for the MSIVC ATWS Case"

A nonproprietary copy of the compact disks was not provided for placement in the Nuclear Regulatory Commission's (NRC's) Public Document Room and for addition to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- 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;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection. GE has received US patent #6,173,026 covering the stability subject matter and has filed a patent application, which is pending in the US Patent Office and has not been published yet, for the MELLA+ subject matter.

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 proprietary commercial information and should be withheld from public disclosure.



Therefore, the compact disks entitled, "TRACG Code Files" and "TRACG Graphical Output for the MSIVC ATWS Case," 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.

If you have any questions regarding this matter, I may be reached at (301) 415-1445.

Sincerely,

**/RA/**

Alan Wang, Project Manager, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Project No. 710

cc: See next page

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GE Nuclear Energy

Project No. 710

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