

August 19, 2003

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 JUNE 25, 2003, MEETING (MFN 03-041)

Dear Mr. Deacon:

By letter dated June 23, 2003, and associated affidavit executed on June 23, 2003, by George B. Stramback, you indicated that you hold information in the presentation slides that was subsequently presented to the staff during the closed portion of a meeting that was held on June 25, 2003, 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 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 discloses patentable subject matter for which it may be desirable to obtain patent protection. GE is pursuing patent applications in the US 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 June 25, 2003, meeting sought to be withheld, contain proprietary commercial information and should be withheld from public disclosure. Therefore, the version of the submitted information 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 document. 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 should also 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 301-415-2875.

Sincerely,

**/RA/**

Amy E. Cubbage, ESBWR Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Project No. 717

cc: See next page

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DATE	08/6/2003	08/6/2003	08/13/2003	08/15/2003

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