

May 3, 2004

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE (TAC NO. MB6157)

Dear Mr. Stramback:

By letter dated March 23, 2004, GE Nuclear Energy (GENE) submitted an affidavit dated March 23, 2004, executed by you, requesting that the information contained in the compact disk that provided additional analyses to support the staff's review of Licensing Topical Report NEDC-33006P, Revision 1, "General Electric Boiling Water Reactor Maximum Extended Load Line Limit Analysis Plus," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

Since the computer disk contains computer files, a nonproprietary copy was not provided for placement in the 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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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 information contained in the compact disk marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(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 301-415-3062.

Sincerely,

/RA/

Mel B. Fields, Senior Project Manager, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Project No. 710

cc: See next page

G. Stramback

- 2 -  
May 3, 2004

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 301-415-3062.

Sincerely,

/RA/

Mel B. Fields, Senior Project Manager, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Project No. 710

cc: See next page

DISTRIBUTION:  
PUBLIC  
PDIV-2 Reading  
RidsNrrDlpmPdiv (HBerkow)  
RidsNrrPMMFields  
RidsNrrLAEPeyton  
RidsOgcRp  
FAkstulewicz

**ACCESSION NO.: ML041240253**

**NRR-084**

OFFICE	PDIV-2/PM	PDIV-2/LA	SRXB	PDIV-2/SC
NAME	MFields	EPeyton:esp	FAkstulewicz	SDembek
DATE	4-23-04	4/22/04	4/29/04	5/3/04

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML041240253.WPD

OFFICIAL RECORD COPY

GE Nuclear Energy

Project No. 710

cc:

Mr. Charles M. Vaughan, Manager  
Facility Licensing  
Global Nuclear Fuel  
P.O. Box 780  
Wilmington, NC 28402

Ms. Margaret Harding, Manager  
Fuel Engineering Services  
Global Nuclear Fuel  
P.O. Box 780  
Wilmington, NC 28402

Mr. Glen A. Watford, Manager  
Technical Services  
GE Nuclear Energy  
175 Curtner Avenue  
San Jose, CA 95125

Mr. James F. Klapproth, Manager  
Engineering & Technology  
GE Nuclear Energy  
175 Curtner Avenue  
San Jose, CA 95125