August 2, 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 letters dated March 4 and March 10, 2004, GE Nuclear Energy (GENE) provided responses to the NRC staff's request for additional information (RAI) on NEDC-33006P, Revision 1, "General Electric Boiling Water Reactor Maximum Extended Load Line Limit Analysis Plus." By letter dated June 6, 2004, GENE submitted an affidavit dated June 4, 2004, executed by you, requesting that the information contained in the revised responses to RAIs AOO [Anticipated Operational Occurrences] 25, ATWS [Anticipated Transients Without Scram] I-2.3, I-3.3, and I-3.4 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

A nonproprietary copy of the document was 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 document entitled, "Revised Response to NRC MELLLA+ RAIs," 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 301-415-1445.

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

August 2, 2004

Therefore, the information contained in the document entitled, "Revised Response to NRC MELLLA+ RAIs," 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 301-415-1445.

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

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

ACCESSION NO.: ML042150428 NRR-084

OFFICE	PDIV-2/PM	PDIV-2/LA	SRXB	PDIV-2/SC
NAME	AWang	EPeyton:esp	FAkstulewicz	SDembek
DATE	7/29/04	7/8/04	7/30/04	8/2/04

DOCUMENT NAME: C:\MyFiles\Copies\GENE - Revised Responses to MELLA RAI withhold.WPD
OFFICIAL RECORD COPY

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

Ms. Margaret Harding, Manager
Fuel Engineering Services
Global Nuclear Fuel - Americas
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