

August 20, 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. MB5705)

Dear Mr. Stramback:

By letter dated July 26, 2004, GE Nuclear Energy (GENE) submitted an affidavit dated July 26, 2004, executed by you, requesting that the information on the compact disk containing supporting lattice information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390. This information was requested by the staff in their review of Licensing Topical Report NEDC-33006P, Revision 1, "General Electric Boiling Water Reactor Maximum Extended Load Line Limit Analysis Plus."

A nonproprietary copy of the document was not provided for placement in the NRC's Public Document Room or 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 on the compact disk attached with GENE's July 26, 2004, letter, 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

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GE Nuclear Energy

Project No. 710

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March 2003