July 8, 2005

Mr. George B. Stramback
Manager, Regulatory Services
GE Nuclear Energy
1989 Little Orchard Street, M/C HME
San Jose, CA 95125-1030

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR SUPPLEMENT 1 TO NEDC-33083P, TRACG APPLICATION FOR ESBWR STABILITY ANALYSIS, (MFN-05-052)

Dear Mr. Stramback:

By letter dated June 2, 2005, and associated affidavit executed by you on June 2, 2005, you indicate that information contained in General Electric Company's (GE's) responses to NRC request for additional information related to Topical Report NEDC-33083P, that was submitted for the ESBWR pre-application review, should be withheld as proprietary. You have requested that this information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.390 (10 CFR 2.390).

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession No. ML051640020).

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 GE's competitors without license from GE constitutes a competitive economic advantage over other companies; and

(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.

We have reviewed your letter and affidavit in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the information sought to be withheld contains 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 2.390(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 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 301-415-2863.

Sincerely,

/RA/

Lawrence Rossbach, 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

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 301-415-2863.

Sincerely,

/RA/

Lawrence Rossbach, 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

DISTRIBUTION
Hard Copy
RNRP R/F
ACubbage
LRossbach
LDudes

E-MAIL

PUBLIC	ACubbage	FAkstulewicz	JHan
RLandry	GThomas	EThrom	ADrozd

ACCESSION NUMBER: ML051860021

OFFICE	RNRP/PM	SRXB/BC	RNRP/SC
NAME	LRossbach	FAkstulewicz	LDudes
DATE	07/05/05	07/06/05	07/06/05

OFFICIAL RECORD COPY

cc:

Dr. Robert E. Gamble
Manager, ESBWR
GE Nuclear Energy
1989 Little Orchard Street, M/C 365
San Jose, CA 95125-1030

Mr. George B. Stramback
Manager, Regulatory Services
GE Nuclear Energy
175 Curtner Avenue, MC 747
San Jose, CA 95125

Mr. J. Alan Beard
GE Nuclear Energy
13113 Chestnut Oak Drive
Darnestown, MD 20878-3554

Mr. David Lochbaum, Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street, NW., Suite 600
Washington, DC 20006-3919

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. James Riccio
Greenpeace
702 H Street, Suite 300
Washington, DC 20001

Mr. Adrian Heymer
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Thomas P. Miller
U.S. Dept. of Energy, NE-20, Rm. A286
Headquarters - Germantown
19901 Germantown Road
Germantown, MD 20874-1290

Mr. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Dr. Jack W. Roe
Vice President
Advanced Technologies & Laboratories
International, Inc.
20010 Century Boulevard, Suite 500
Germantown, MD 20874

Mr. Brendan Hoffman
Research Associate on Nuclear Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Tom Clements
6703 Gude Avenue
Takoma Park, MD 20912

Ms. Patricia Campbell
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Mr. Glenn H. Archinoff
AECL Technologies
481 North Frederick Avenue
Suite 405
Gaithersburg, MD. 20877

Mr. Gary Wright, Director
Division of Nuclear Facility Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Mr. Charles Brinkman
Westinghouse Electric Co.
Washington Operations
12300 Twinbrook Pkwy., Suite 330
Rockville, MD 20852

Mr. Ronald P. Vijuk
Manager of Passive Plant Engineering
AP1000 Project
Westinghouse Electric Company
P. O. Box 355
Pittsburgh, PA 15230-0355

Mr. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa

Mr. Russell Bell
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Ron Simard
6170 Masters Club Drive
Suwanne, GA 30024

Mr. Jerald S. Holm
Framatome ANP, Inc.
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

Ms. Kathryn Sutton, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

E-Mail:
mwetterhahn@winston.com
whorin@winston.com
gcesare@enercon.com
jerald.holm@framatome-anp.com
robert.gamble@gene.ge.com
louis.quintana@gene.ge.com