

January 11, 2006

Mr. David Hinds, Manager, ESBWR  
General Electric Company  
P.O. Box 780, M/C L60  
Wilmington, NC 28402-0780

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR TRACG INPUTS FOR THE FEEDWATER LINE BREAK LOCA - ASCII  
FILE, (MFN-05-105)

Dear Mr. Hinds:

By letter dated October 6, 2005, and associated affidavit executed on October 6, 2005, by George B. Stramback, you indicated that the information contained in the CD titled "TRACG Inputs for the Feedwater Line Break Limiting LOCA - ASCII File," that was submitted to support the ESBWR review, should be withheld as proprietary. You 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 information was not provided since General Electric Company (GE) considered the information to be proprietary in its entirety.

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 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.

D. Hinds

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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 Nuclear Regulatory Commission (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 301-415-4125.

Sincerely,

*/RA/*

James Kim, Project Manager  
New Reactor Licensing Branch  
Division of New Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 52-010

cc: See next page

D. Hinds

-2-

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James Kim, Project Manager  
New Reactor Licensing Branch  
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ACCESSION NUMBER: ML060090376

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NAME	JKim	FAkstulewicz	LDudes
DATE	01/09/06	01/10/06	01/11/06

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ESBWR

cc:

Mr. David H. Hinds, Manager  
ESBWR  
P.O. Box 780, M/C L60  
Wilmington, NC 28402-0780

Mr. George B. Stramback  
Manager, Regulatory Services  
GE Nuclear Energy  
1989 Little Orchard Street, M/C 747  
San Jose, CA 95125

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

Dr. Jack W. Roe  
Nuclear Energy Institute  
1776 I Street, NW  
Washington, DC 20006-3708

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

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. 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

Mr. Robert E. Sweeney  
IBEX ESI  
4641 Montgomery Avenue  
Suite 350  
Bethesda, MD 20814

Mr. Eugene S. Grecheck  
Vice President, Nuclear Support Services  
Dominion Energy, Inc.  
5000 Dominion Blvd.  
Glen Allen, VA 23060

Mr. George A. Zinke  
Manager, Project Management  
Nuclear Business Development  
Entergy Nuclear, M-ECH-683  
1340 Echelon Parkway  
Jackson, MS 39213

E-Mail:

tom.miller@hq.doe.gov or  
tom.miller@nuclear.energy.gov  
mwetterhahn@winston.com  
whorin@winston.com  
gcesare@enercon.com  
jerald.holm@framatome-anp.com  
eddie.grant@exeloncorp.com  
joseph\_hegner@dom.com  
steven.hucik@ge.com  
david.hinds@ge.com  
chris.maslak@ge.com  
james1beard@ge.com  
louis.quintana@gene.ge.com  
wayne.massie@ge.com  
kathy.sedney@ge.com  
george.stramback@gene.ge.com