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 GE PRESENTATION REGARDING TRACG APPLICATION FOR ESBWR ATWS, (MFN-06-005)

Dear Mr. Hinds:

By letter dated January 6, 2006, and associated affidavit executed on January 6, 2006, by George B. Stramback, you indicated that the information contained in the presentation regarding TRACG application for ESBWR ATWS, 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.

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

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James Kim, Project Manager
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cc:

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