

April 14, 2006

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

SUBJECT: GE NUCLEAR ENERGY – REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE (MFN 06-089) (TAC NO. MC1967)

Dear Mr. Stramback:

By letter dated March 24, 2006, General Electric Company (GE) submitted affidavits for the Nine Mile Point Nuclear Station Report and the Perry Nuclear Power Plant Report dated February 27 and 28, 2006, respectively, executed by you, requesting that information in the following documents be withheld from public disclosure pursuant to Title 10 of the Code of *Federal Regulations* (10 CFR) Section 2.390.

- GE Report, GE-NE-0000-0020-9436-R1-P, Revision 1, Constellation Energy Group, Nine Mile Point Nuclear Station, Unit 2, 7/23/03 Instability Event, OPRM Performance Evaluation, March 2006
- GE Report, GE-NE-0000-0041-0403-R1-P, Revision 1, First Energy Corp., Perry Nuclear Power Plant, 12/23/04 Instability Event, OPRM Performance Evaluation, March 2006

Nonproprietary copies of these documents have been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavits stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (4) 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 in the two reports, 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 B. Wang, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Project No. 710

cc:

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

Mr. Glen A. Watford, Manager
Technical Services
GE Nuclear Energy
175 Curtner Avenue
San Jose, CA 95125

Ms. Margaret Harding, Manager
Fuel Engineering Services
Global Nuclear Fuel
P.O. Box 780
Wilmington, NC 28402

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