January 31, 2007

Mr. David H. Hinds
Manager, ESBWR
GE Nuclear Energy
P.O. Box 780, M/C J70
Wilmington, NC 28402-0780

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (MFN 05-119)

Dear Mr. Hinds:

By letter dated October 28, 2005, and associated affidavit executed on October 28, 2005, by George B. Stramback, you indicated that the information contained in General Electric Company's (GE's) licensing topical reports (LTRs) regarding instrumentation and control (I&C) architecture and platforms and software development lifecycle design process plans, 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* (10 CFR) Section 2.390.

A non-proprietary copy of this information was provided and was 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 Nos. for the non-proprietary versions of the LTRs are as follows: NEDO-33232: ML053430036, NEDO-33233: ML053430037, NEDO-33234: ML053430038). The software lifecycle development lifecycle plans (NEDE-33226P, NEDE-33229P, and NEDE-33229P) were subsequently resubmitted by GE on December 15, 2005 (MFN-05-151) and were made publicly available in their entirety by GE as NEDO-33226, NEDO-33227, and NEDO-33229 (See ADAMS package ML060890635).

The affidavits 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 General Electric constitutes a competitive economic advantage over other companies; and

2. The 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 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 in the I&C architecture and platform topical reports (NEDE-33232P, NEDE-33233P, and NEDE-33234P) 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 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 301-415-2875.

Sincerely,

/RA/

Amy E. Cubbage, Senior Project Manager
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-010

cc: See next page

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Amy E. Cubbage, Senior Project Manager
ESBWR/ABWR Projects Branch 1
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