

52-004



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 7, 1995

Mr. James E. Quinn, Projects Manager
LMR and SBWR Programs
GE Nuclear Energy
175 Curtner Avenue, M/C 165
San Jose, California 95125

Dear Mr. Quinn:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE, GENERAL ELECTRIC (GE) PRESENTATION CHARTS USED DURING A MEETING WITH THE NUCLEAR REGULATORY COMMISSION (NRC) ON NOVEMBER 16, 1993

By letter dated November 18, 1993, GE Nuclear Energy (GE) submitted the subject presentation charts and requested that they be withheld from public disclosure. This request was made in accordance with 10 CFR 2.790 and is supported by a affidavit dated November 12, 1993, executed by Joseph F. Quirk, which claims in part that the information is classified as proprietary "...because it contains detailed design information which GE has developed using computer codes and test data achieved at a significant cost, on the order of several million dollars, to GE and its associates." In addition, the affidavit identifies the following reasons:

1. Information that 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.
2. Information which, if used by a competitor, would reduce his expenditures 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 the presentation slides in accordance with the requirements of 10 CFR 2.790 and have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information. Therefore, the subject information identified as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. However, you are requested to review the presentation slides for those that are clearly not proprietary such as title slides, etc. The non-proprietary slides will have to be placed in Public Document Room (PDR). Therefore, you are requested to provide a non-proprietary version of the subject presentation slides within 30 days of the date of this letter. The non-proprietary version will be placed in the PDR.

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Mr. James E. Quinn
GE Nuclear Energy

Docket No. 52-004

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September 7, 1995

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 included your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

Dino C. Scaletti, Project Manager
Standardization Project Directorate
Division of Reactors Program Management
Office of Nuclear Reactor Regulation

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cc: See next page

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