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

November 8, 1999

Mr. James F. Klapproth, Manager  
Engineering & Technology  
GE Nuclear Energy  
175 Curtner Avenue  
San Jose, CA 95125

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Klapproth:

By your letter dated September 16, 1999, and affidavit dated September 16, 1999, executed by George B. Stramback, you submitted slides that were presented at the August 19, 1999, meeting with the NRC staff that discussed NRC staff feedback on an approach for GE development and NRC review and approval of the thermal power optimization (TPO) program for BWR power uprate application. You requested that the slides be withheld from public disclosure pursuant to 10 CFR 2.790. Slides were provided for the open session of the meeting for placement in the NRC public document room.

The affidavit 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.
- c. Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of General Electric, its customers, or its suppliers."

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 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 presentation slides entitled, "GE's Thermal Power Optimization Program," marked 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.

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November 8, 1999

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 301-415-3016.

Sincerely,

Original Signed By:

Robert M. Pulsifer, Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Project No. 691

cc: See next page

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Mr. James F. Klapproth

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If you have any questions regarding this matter, I may be reached at 301-415-3016.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert M. Pulsifer", is written over the typed name.

Robert M. Pulsifer, Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Project No. 691

cc: See next page

Mr. James F. Klapproth

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cc:

Mr. George B. Stramback  
Regulatory Services Project Manager  
GE Nuclear Energy  
175 Curtner Avenue  
San Jose, CA 95125

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

Mr. Glen A. Watford, Manager  
Nuclear Fuel Engineering  
GE Nuclear Energy  
P.O. Box 780  
Wilmington, NC 28402