



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 8, 1999

File Center

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 letter dated August 13, 1999, and affidavit dated August 13, 1999, executed by Glen A. Watford, GE Nuclear Energy (GENE) submitted Amendment 26 to GE Licensing Topical Report NEDE-24011-P-A, "GESTAR II." By letter dated September 17, 1999, and affidavit dated September 21, 1999, executed by Glen A. Watford, GENE submitted revised pages to the August 13, 1999, submittal. GENE requested that these documents be withheld from public disclosure pursuant to 10 CFR 2.790.

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

- "(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 submittals and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of GENE statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, we have determined that Amendment 26 to GE Licensing Topical Report NEDE-24011-P-A, "GESTAR II" and the revised pages to Amendment No. 26 included in the August 17, 1999, submittal, 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.

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.

DF03

PDR TO PR@ GE

Mr. James F. Klapproth

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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,

/s/

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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December 8, 1999

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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 black ink, appearing to read "Robert M. Pulsifer". The signature is stylized and cursive.

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:

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