

July 31, 2003

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

SUBJECT: GE NUCLEAR ENERGY REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE (TAC NOS. MB6157 AND MB5705)

Dear Mr. Stramback:

By letter dated June 4, 2003, GE Nuclear Energy (GENE) submitted an affidavit dated June 4, 2003, executed by you, requesting that the compact disk entitled, "Information to Support NRC Review," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. The information on the compact disk is related to the staff's review of the licensing topical reports related to Maximum Extended Load Line Limit Analysis Plus (MELLLA+) and Detect and Suppress Solution – Confirmation Density (DSS-CD).

A nonproprietary copy of the compact disk was not provided for placement in the Nuclear Regulatory Commission's (NRC's) Public Document Room and for addition to the Agencywide Documents Access and Management System Public Electronic Reading Room as this compact disk contained only data.

The affidavit 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;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection. General Electric has received US patent #6,173,026 covering the stability subject matter and has filed a patent application, which is pending in the US Patent Office and has not been published yet, for the MELLLA+ subject matter.

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 compact disk entitled, "Information to Support NRC Review," 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.

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 Wang, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 710

cc: See next page

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Alan Wang, Project Manager, Section 2
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* For previous concurrences - see attached ORC

ADAMS Accession No.: ML032130428

NRR-084

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NAME	AWang	EPeyton	JWermiel	DHassell	SDembek
DATE	7/30/03	7/30/03	7/16/03	7/29/03	7/30/03

DOCUMENT NAME: G:\PDIV-2\GE\MELLA Disk Withhold.wpd

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GE Nuclear Energy

Project No. 710

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