

52-004



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

October 21, 1996

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE, GENERAL ELECTRIC (GE) PANDA STEADY-STATE TESTS S10-S13, PCC PERFORMANCE, APPARENT TEST RESULTS (ATRs)

Dear Mr. Quinn:

By a letter dated February 22, 1996, and a followup letter dated October 11, 1996, GE Nuclear Energy (GE) submitted the subject ATRs and requested that they be withheld from public disclosure. The request was made in accordance with 10 CFR 2.790 and is supported by affidavit, executed by Joseph F. Quirk, dated October 11, 1996, which claims in part that the information identified by a bar in the right-side margin is classified as proprietary because it contains Simplified Boiling Water Reactor (SBWR) test facility test results for use in conjunction with TRACG qualification analysis results and scaling information on SBWR testing. The SBWR TRACG and testing programs have been under development by GE and its associates for more than seven years, at a total cost of tens of million of dollars. In addition, the affidavit identify the following reasons for maintaining the information as proprietary:

1. 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.
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.
3. Information which reveals aspects of past, present, or future General Electric customer-funded development plans and programs, of potential commercial value to General Electric.

We have reviewed your letters and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements and your recently submitted affidavit, have determined that the information identified in the subject ATRs contains trade secrets or proprietary commercial information. Therefore, the subject ATRs 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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Mr. James E. Quinn

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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 Nuclear Regulatory Commission (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,

original signed by:

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

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cc: See next page

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Mr. James E. Quinn
GE Nuclear Energy

Docket No. 52-004

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