



52-0041

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 3, 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) PANTHERS/IC APPARENT TEST RESULTS (ATRs)

Dear Mr. Quinn:

By your letter dated January 9, 1996, you submitted the subject ATRs and requested that they be withheld from public disclosure. This request was made in accordance with 10 CFR 2.790 and is supported by affidavit, executed by George B. Stramback, dated January 9, 1996, which claims in part that the information identified by bar in the right-side margins is classified as proprietary because it contains detailed results of the Simplified Boiling Water Reactor (SBWR) tests. The SBWR test programs have been under development by GE and its associates for more than seven years, at a total cost of tens of millions of dollars. In addition, the affidavit identifies 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 letter and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the subject ATRs contain trade secrets or proprietary commercial information. Therefore, the subject "PANTHER/IC Apparent Test Results (ATRs), phase 3," dated January 9, 1996, 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, the staff requests that GE submit nonproprietary versions of these ATRs to the Nuclear Regulatory Commission (NRC) within 30 days from the day of this letter.

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Mr. James E. Quinn

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October 3, 1996

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,

original signed by: Theodore R. Quay

Son Q. Ninh, Project Manager  
Standardization Project Directorate  
Division of Reactor Program Management  
Office of Nuclear Reactor Regulation

Docket No. 52-004

cc: See next page

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Mr. James E. Quinn  
GE Nuclear Energy

Docket No. 52-004

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