

October 27, 2000

Mr. James Knubel
Chief Nuclear Officer
Power Authority of the State of New York
123 Main Street
White Plains, NY 10601

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -
FITZPATRICK NUCLEAR POWER PLANT (TAC NO. MA9522)

Dear Mr. Knubel:

By your application dated July 27, 2000, and affidavit dated June 30, 2000, executed by Mr. Glen A. Watford, of Global Nuclear Fuel (GNF), you submitted an application for an amendment to delete a note to Technical Specification 1.1.A, regarding the Safety Limit Minimum Critical Power Ratio, to be applicable beyond Cycle 14 and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary copy of this document has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because the information falls within one or more of the following categories:

- (1) Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A's competitors without license from GNF-A constitutes a competitive economic advantage over other companies;
- (2) 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 application, and the material in the license amendment application 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 application for an amendment, 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.

J. Knubel

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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 301-415-1441.

Sincerely,

/RA/

Guy Vissing, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-333

cc: See next page

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OFFICIAL RECORD COPY

James A. FitzPatrick Nuclear Power Plant

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