



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

May 12, 1993

Docket No. 50-220

*Returned / Destroyed
2/23/93*

Mr. David J. Robare, Manager
Plant Licensing Services
General Electric Company
175 Curtner Avenue
San Jose, California 95125

Dear Mr. Robare:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NO. M85109)

By letter dated December 4, 1992, Niagara Mohawk Power Corporation (NMPC) submitted an application for license amendment to Nine Mile Point Nuclear Station Unit No. 1 Facility Operating License DPR-63. Included in this submittal were plant-specific evaluations (MDE-77-0485, DRF A00-02119-D, April 1985, "Technical Specification Improvement Analysis for the Reactor Protection System for Nine Mile Point Nuclear Station, Unit 1" (Proprietary) and RE-003, DRF A00-02558, January 1987, "Technical Specification Improvement Analysis for the Emergency Core Cooling System Actuation Instrumentation for Nine Mile Point Nuclear Station, Unit 1" (Proprietary)) and affidavits dated August 31, 1992, requesting that the plant-specific evaluations be withheld from public disclosure pursuant to 10 CFR 2.790. Subsequently, by letter dated February 17, 1993, NMPC requested that the original plant-specific evaluations and affidavits dated August 31, 1992, be withdrawn and replaced by revised plant-specific evaluations and affidavits dated February 12, 1993.

In response to NMPC's February 17, 1993, submittal requesting withdrawal of the plant-specific evaluations and affidavits submitted on December 4, 1992, the NRC staff has destroyed all copies of the plant-specific evaluations submitted on December 4, 1992. We have also reviewed your request for withholding of the revised plant-specific evaluations which were submitted by NMPC on February 17, 1993. You stated that the information delineated by brackets in the General Electric reports should be considered exempt from mandatory public disclosure for the following reasons:

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

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9. Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of the General Electric Company and deprive or reduce the availability of profit making opportunities because it would provide other parties, including competitors, with valuable information regarding the application of reliability based methodology to BWR instrumentation. A substantial effort has been expended by General Electric to develop this information in support of the BWR Owners' Group Technical Specifications Improvement Program.

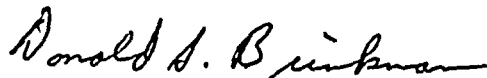
We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of General Electric statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, the GE reports entitled, "Technical Specification Improvement Analysis for the Reactor Protection System for Nine Mile Point Nuclear Station, Unit 1," and "Technical Specification Improvement Analysis for the Emergency Core Cooling System Actuation Instrumentation for Nine Mile Point Nuclear Station, Unit 1," 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.

Sincerely,



Donald S. Brinkman, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station
Unit No. 1

cc:

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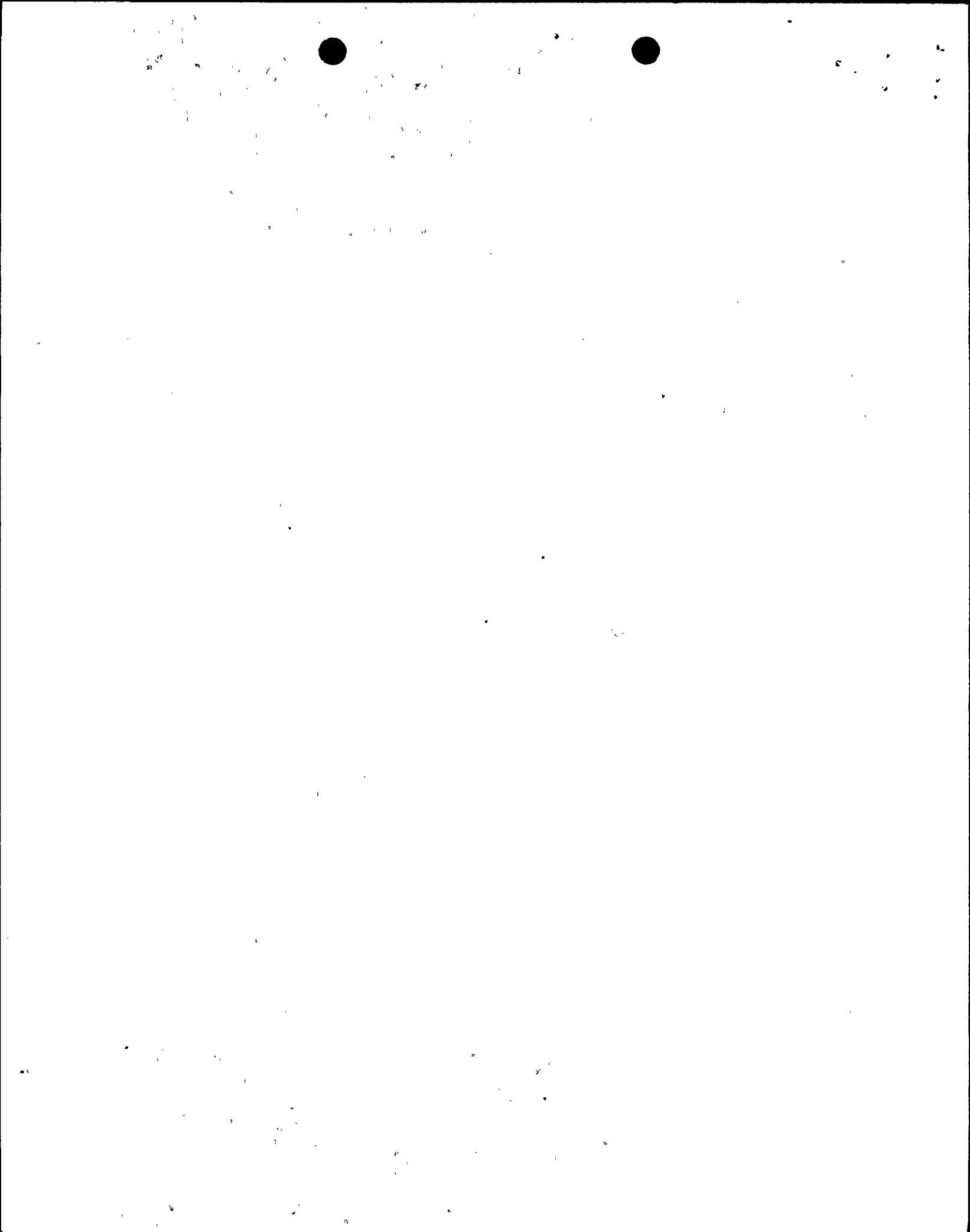
Original Signed By:

Donald S. Brinkman, Senior Project Manager
 Project Directorate I-1
 Division of Reactor Projects - I/II
 Office of Nuclear Reactor Regulation

cc: See next page
Distribution:
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*SEE PREVIOUS CONCURRENCE

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DATED: May 12, 1993

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