



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 18, 1994

Mr. B. Ralph Sylvia  
Executive Vice President, Nuclear  
Niagara Mohawk Power Corporation  
Nine Mile Point Nuclear Station  
P.O. Box 63  
Lycoming, NY 13093

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -  
GENERAL ELECTRIC (GE) AFFIDAVIT DATED APRIL 22, 1994  
(TAC NO. M89792)

Dear Mr. Sylvia:

By letter dated June 23, 1994, Niagara Mohawk Power Corporation (NMPC) informed the NRC staff of NMPC's decision to amend their commitment to perform Dye Penetrant Testing (PT) on the feedwater nozzles because of recent advances in automated Ultrasonic Testing (UT). The GERIS-2000 system for UT inspections will be used in place of PT testing of the feedwater nozzles.

GE Proprietary Report GE-NE-508-038-0394, "GERIS 2000 Ultrasonic Inspection of Feedwater Nozzles," Revision 1, Class III, was accompanied by an affidavit, dated April 22, 1994, from James F. Klapproth, Manager, Fuel Licensing, General Electric Company (GE), which stated that GE-NE-508-038-0394, Revision 1, Class III, contained proprietary information and requested that the report be withheld from public disclosure pursuant to 10 CFR 2.790. By letter dated September 12, 1994, NMPC provided a non-proprietary version of the subject report for placement in the NRC Public Document Room for public inspection.

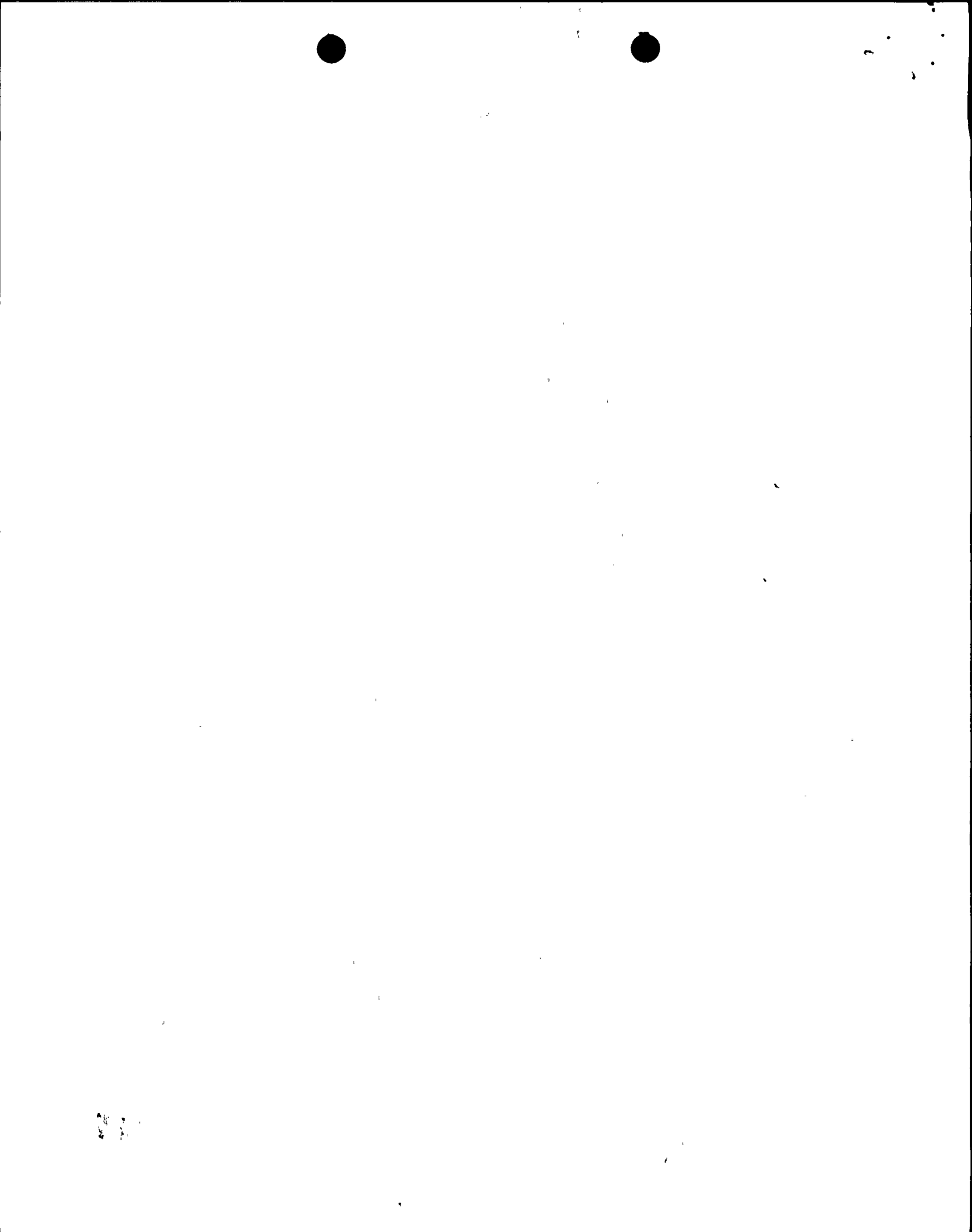
In his affidavit, Mr. Klapproth stated that the information submitted in GE-NE-508-038-0394, Revision 1, Class III, should be considered exempt from public disclosure for the following reasons:

- 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;
- 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;

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The information identified in paragraph (2), above, is classified as proprietary because it contains detailed results of qualification plans and results, methods and processes, which GE has developed to perform ultrasonic examinations, in-lieu of the PT examinations of the feedwater nozzle inner radius and bore regions, discussed in NUREG-0619.

The development and implementation of GE's feedwater nozzle inspection program was achieved at a significant cost, on the order of one million dollars, to GE.

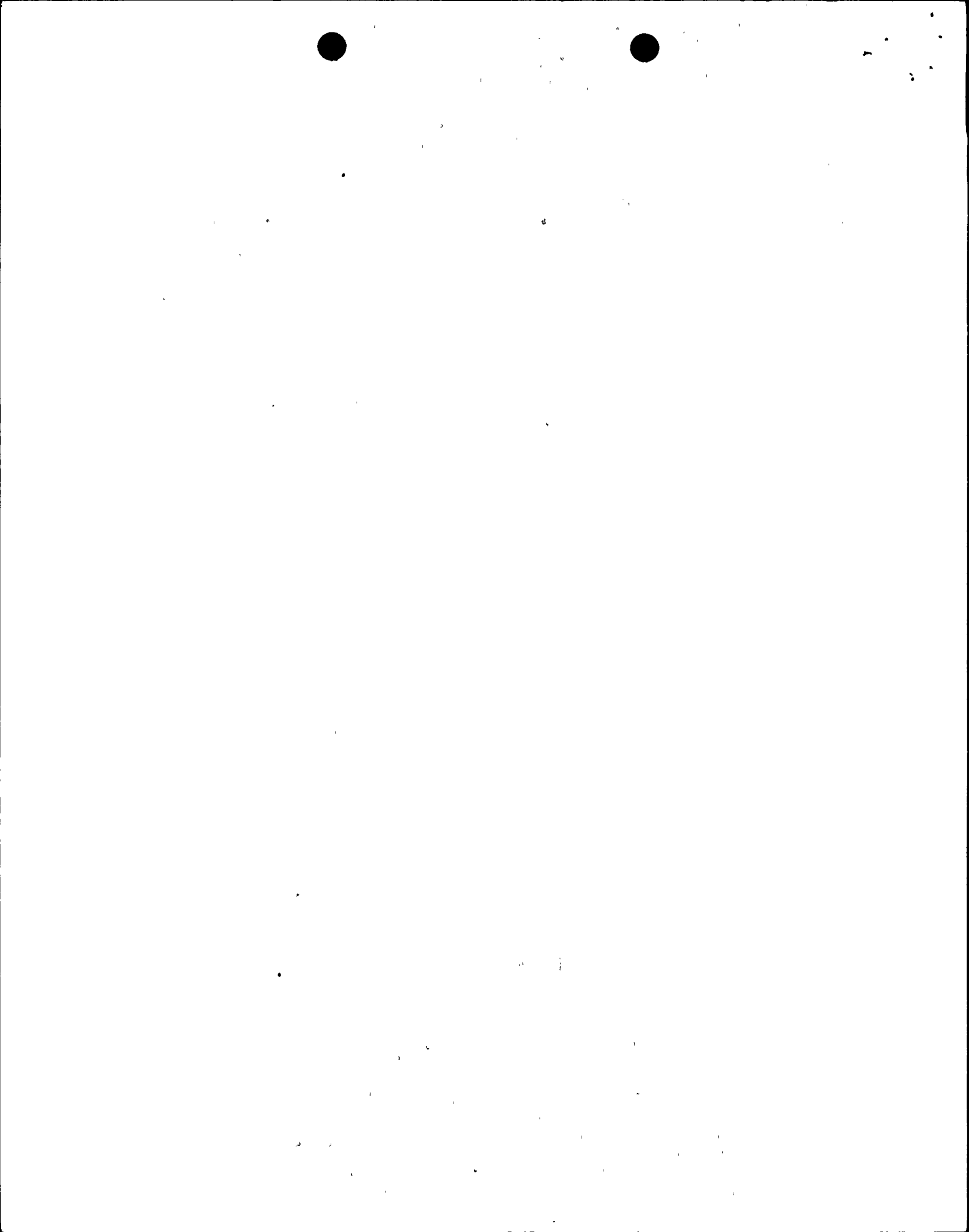
The development of the test procedures, the evaluation process, and the interpretation and application of the test results are derived from the extensive experience database that constitutes a major GE asset.

We have reviewed Mr. Klapproth's affidavit and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of GE's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, the version of the submitted information 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 U.S. Nuclear Regulatory Commission (NRC). You should also understand that the NRC may have cause to review this determination in the future, such as, if the scope of a Freedom of



B. Sylvia

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October 18, 1994

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.

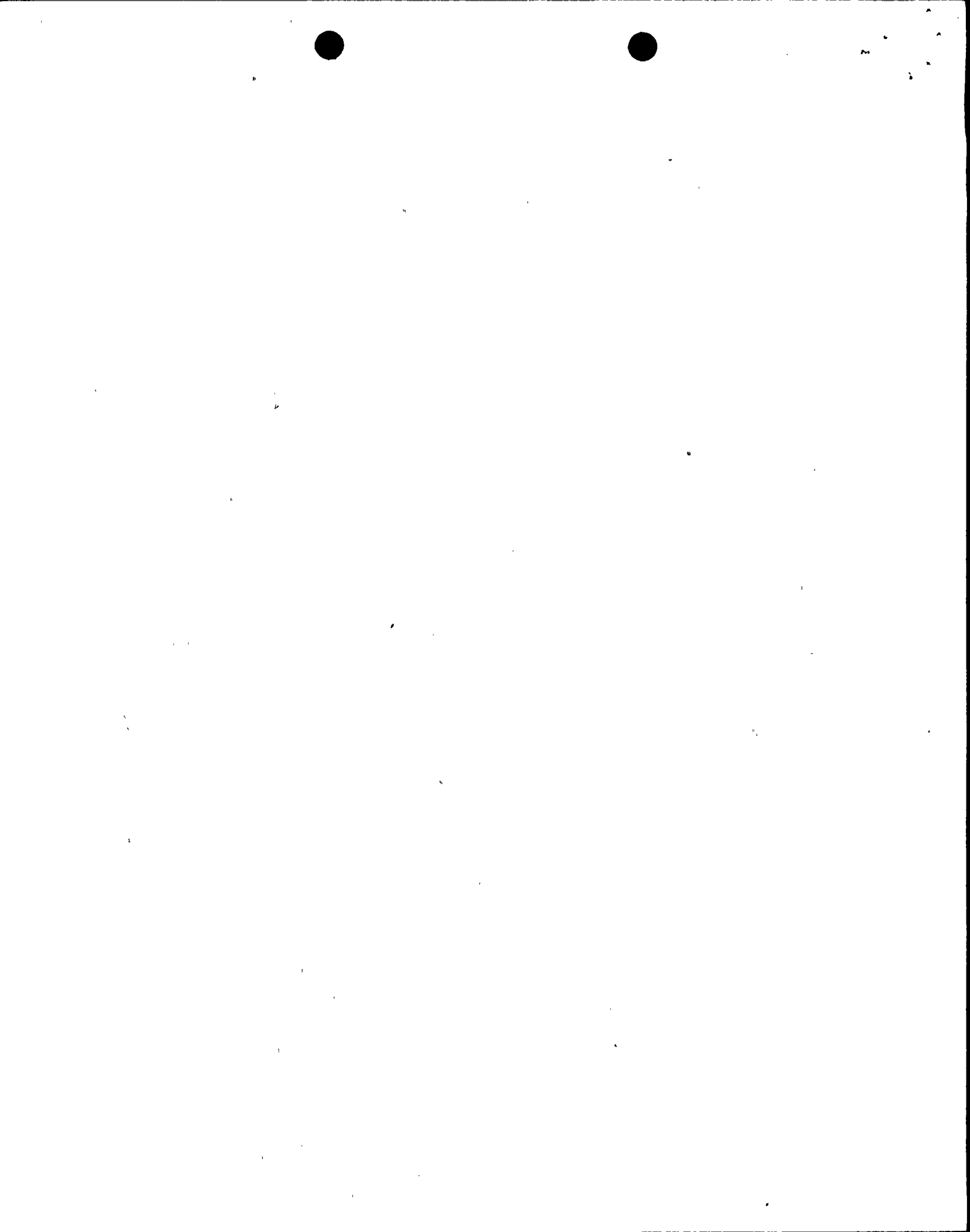
Sincerely,



Ledyard B. Marsh, Director  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-220

cc: See next page



Mr. B. Ralph Sylvia  
Niagara Mohawk Power Corporation

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James F. Klapproth  
Fuel Licensing Manager  
General Electric Company  
175 Curtner Avenue  
San Jose, CA 95125





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,

Original signed by:

Ledyard B. Marsh, Director  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-220

cc: See next page

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