

March 22, 1983

Docket No. 50-244
LS05-83-03-039

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Mr. John E. Maier
Vice President
Electric and Steam Production
Rochester Gas and Electric Corporation
89 East Avenue
Rochester, New York 14649

Dear Mr. Maier:

SUBJECT: REQUEST FOR WITHHOLDING FROM PUBLIC DISCLOSURE

R. E. Ginna Nuclear Power Plant

By letter dated August 31, 1982, you submitted a Babcock and Wilcox (B&W) proprietary report entitled "Steam Generator Rapid Sleeving Program Design Verification Report, R. E. Ginna Nuclear Power Plant," (12-1135119-01), dated August 27, 1982, which contains analyses and safety evaluation supporting your request, dated January 15, 1982, for approval to delete the 25-sleeve limitation from the ISI program for Ginna. You also transmitted an affidavit, dated August 26, 1982, signed by Mr. James H. Taylor, B&W, to support your request that we withhold from public disclosure, pursuant to 10 CFR Section 2.790(b), the report described above. On January 7, 1983, you also submitted a proprietary transcript of the September 15 and 16, 1982 Design Review Board meeting and a related affidavit, dated October 12, 1982, signed by Mr. Taylor of B&W. This Board meeting was convened to review the Ginna steam generator sleeving program.

B&W states that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (i) The information has been held in confidence by B&W;
- (ii) The information reveals special aspects of a process, method components or the like, the exclusive use of which results in a competitive advantage to B&W. The use of the information by a competitor would decrease his or her expenditures;
- (iii) The information was made available to NRC in confidence;
- (iv) The information is not available in the open literature and to the best of their knowledge is not known by Combustion Engineering, Exxon, General Electric or Westinghouse or other current or potential domestic or foreign competitors of B&W; and

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Withholding Granted

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- (v) Public disclosure of the information is likely to harm the competitive position of B&W, taking into account the value of the information to B&W and the amount of effort or money expended by B&W for developing the information.

We have reviewed your request, B&W's affidavit and the material based on the requirements and criteria 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.

It is our belief, pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended, that, at this time, the right of the public to be fully apprised of the submitted information does not outweigh the need to protect B&W's competitive position.

Accordingly, we have determined that the information should be withheld from public disclosure.

We, therefore, approve your request for withholding pursuant to 10 CFR 2.790 and are withholding the report entitled "Steam Generator Rapid Sleeving Program Design Verification Report, R. E. Ginna Nuclear Power Plant," (12-1135119-01), dated August 27, 1982, from public inspection as proprietary. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document.

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 or B&W should promptly notify the 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 Information Act request includes your information. In all review situations, if the NRC needs additional information from you and B&W or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

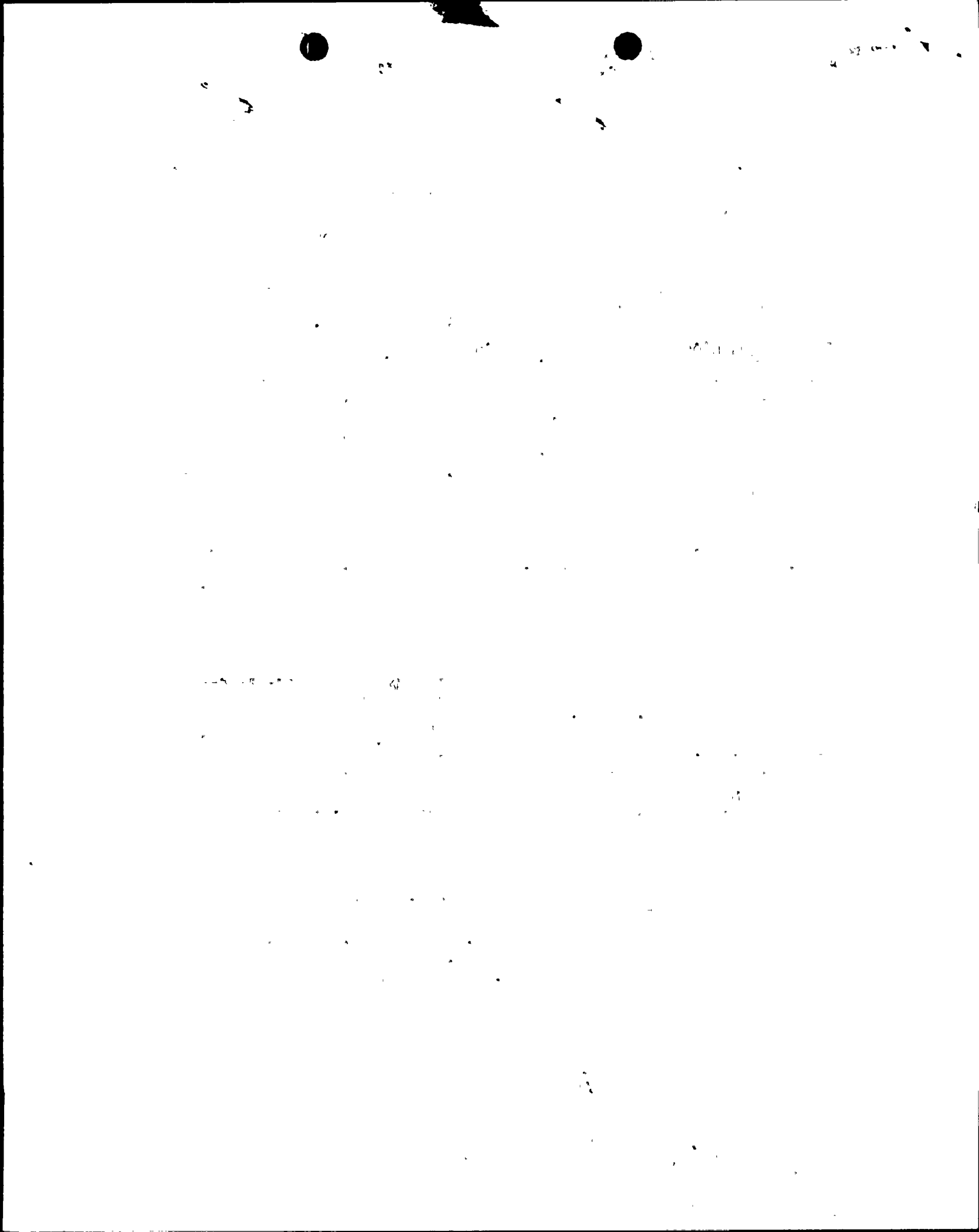
Sincerely,

Original signed by/

Dennis M. Crutchfield, Chief
 Operating Reactors Branch #5
 Division of Licensing

cc:
 See next page

OFFICE	DL:ORB#5	DL:ORB#5	OE/D	DL:ORB#5			
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DATE	03/17/83	03/17/83	03/14/83	03/22/83			



Mr. John E. Maier

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CC

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