



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

October 11, 1989

Mr. S. D. Floyd
BWR Owners Group
c/o Carolina Power and Light Company
411 Fayetteville Street
Raleigh, North Carolina 27602

Dear Mr. Floyd:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

By your application and affidavit dated June 28, 1989 you submitted a Topical Report, NEDC-31677P (June 1989) entitled "Technical Specification Improvement Analysis for BWR Isolation Actuation Instrumentation" and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790.

You stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

The information contained in Topical Report NEDC-31677P has been found by General Electric Company to contain information which is proprietary and has been consistently held in confidence by General Electric (Paragraph 8 of Affidavit of July 28, 1989), no public disclosure having been made.

General Electric has stated, in paragraph 9 of the above Affidavit, that "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 isolation actuation 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 Company's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, the Topical Report, NEDC-31677P (June 1989) entitled "Technical Specification Improvement Analysis for BWR Isolation Actuation Instrumentation" 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.

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October 11, 1989

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.

Please notify the NRC promptly if the basis for withholding this information from public disclosure should change in the future, such that the information could then be made available for public inspection. 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,

ORIGINAL SIGNED BY JOSE A. CALVO

Jose A. Calvo, Chief
Technical Specifications Branch
Division of Operational Events Assessment
Office of Nuclear Reactor Regulation

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*Please see previous concurrence

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Jose A. Calvo, Chief
Technical Specifications Branch
Division of Operational Events Assessment
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*pls see note
re addition
of paragraph*