



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

June 9, 1993

Docket No. 50-333

Mr. Robert C. Mitchell
General Electric Company
175 Curtner Avenue
San Jose, California 95125

Dear Mr. Mitchell:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -
JAMES A. FITZPATRICK NUCLEAR POWER PLANT (TAC NO. M75561)

By application dated May 5, 1992, as amended by your letter dated May 26, 1993, and your affidavit dated March 18, 1993, you submitted NEDC-31697P-2, a report entitled, "Updated SRV Performance Requirements for the James A. FitzPatrick Nuclear Power Plant (Revision 2)," (Proprietary) and requested that portions be withheld from public disclosure pursuant to 10 CFR 2.790.

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

- a. 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;
- b. 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.

In addition, you stated that the information is classified as proprietary because it contains detailed results of analytical models, methods and processes, including computer codes, which General Electric (GE) has developed, obtained NRC approval of, and applied to perform evaluations of the functional capability of the Safety/Relief Valves installed in a GE Boiling Water Reactor in transient and accident conditions.

We have reviewed your application and the material in accordance with the requirements 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 report entitled, "Updated SRV Performance for James A. FitzPatrick Nuclear Plant," 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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Mr. Robert C. Mitchell

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June 9, 1993

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.

In your May 5, 1992, application, you also requested withdrawal of previous revisions of NEDC-31697P which were submitted to the NRC. This matter is currently being reviewed by the NRC staff and will be addressed by the staff in future correspondence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian McCabe".

Brian C. McCabe, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

Power Authority of the State of New York

James A. FitzPatrick Nuclear
Power Plant

cc:

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Sincerely,

Original signed by:

Brian C. McCabe, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

Distribution:

Docket File

NRC & Local PDRs

PDI-1 Reading

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C. Vogan

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M. P. Siemien, OGC, 15/B/18

C. Cowgill, RGN-I

*See previous concurrence

LA:PDI-1	PM:PDI-1 <i>BMC</i>	*OGC	D:PDI-1		
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