



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

October 17, 1990

Docket No. 50-219

Mr. E. E. Fitzpatrick
Vice President and Director
Oyster Creek Nuclear Generating Station
Post Office Box 388
Forked River, New Jersey 08731

Dear Mr. Fitzpatrick:

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. 76342)

By letter dated July 20, 1990, you submitted detailed information in response to our request for additional information relating to Bulletin 90-02, "Loss of Thermal Margin Caused by Channel Box Bow." The letter also enclosed an affidavit by General Electric Company identifying the information as containing proprietary information and requesting that it be withheld from public disclosure.

General Electric Company's affidavit dated July 24, 1990, stated the information should be considered exempt from mandatory public disclosure for the following reasons:

1. The information has been found to contain information which is proprietary and which is customarily held in confidence by General Electric.
2. The information is classified as proprietary because it contains details concerning current General Electric fuel designs which were developed at considerable expense to General Electric which are not available to other parties.
3. The information to the best of General Electric's knowledge and belief has consistently been held in confidence by the General Electric Company, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties have been made pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
4. 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 current General Electric fuel designs which were obtained at considerable cost to the General Electric Company.

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Mr. E. E. Fitzpatrick

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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's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, the proprietary information, 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,

/s/

Alexander W. Promerick, Senior Project Manager
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

PDI-4:LA
SNorris:dr
10/19/90

PDI-4:PM
APromerick
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PDI-4:D
DStoltz
10/19/90

OGC
CHolzle
10/17/90

[TAC 76342]

Mr. E. E. Fitzpatrick
Oyster Creek Nuclear Generating Station

Oyster Creek Nuclear
Generating Station

cc:

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