



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 2, 1994

Docket
Files

Docket No. 50-219

Mr. John J. Barton
Vice President and Director
GPU Nuclear Corporation
Oyster Creek Nuclear Generating Station
Post Office Box 388
Forked River, New Jersey 08731

Dear Mr. Barton:

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. M89488)

By letter dated May 12, 1994, you submitted General Electric Company Report MDE-98-0485 Rev. 1 titled "Technical Specifications Improvement Analysis for the Reactor Protection System for Oyster Nuclear Generating Station," and an affidavit dated April 8, 1994, by Robert C. Mitchell of the General Electric Company. You requested that the proprietary information contained in the report be withheld from public disclosure pursuant to 10 CFR 2.790.

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

1. The 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.
2. The information reveals aspects of past, present, or future General Electric customer-funded development plans and programs, of potential commercial value to General Electric.
3. The information identified in MDE-98-0485 Rev. 1 is classified as proprietary because it would provide other parties, including competitors, with a valuable interpretive information regarding the application of reliability based methodology to BWR 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 based on the requirements and criteria 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.

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PDR

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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 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 makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

Original signed by

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

cc: See next page

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Mr. John J. Barton

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Sincerely,



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

cc: See next page

Mr. John J. Barton
Vice President and Director

Oyster Creek Nuclear
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cc:

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