



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

July 18, 1991

Docket No. 50-333
License No. DPR-59
EA 91-053

Mr. Ralph E. Beedle
Executive Vice President - Nuclear
Generation
Power Authority of State of New York
123 Main Street
White Plains, New York 10610

Dear Mr. Beedle:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,
JAMES A. FITZPATRICK NUCLEAR POWER PLANT

By your letter and affidavit dated May 31, 1991, you submitted your Answer to the NRC Order Modifying License (License No. DPR-59), dated May 2, 1991, and requested that it be withheld from public disclosure. This request was made in accordance with 10 CFR 2.790 and is supported by the contention that the information contains personal and confidential information contained in personnel or similar files. This is the response to that request.

Title 10 of the Code of Federal Regulations, Section 2.790(a)(6), exempts from public disclosure "Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." In deciding whether certain materials should be withheld from public disclosure, it is appropriate to segregate information which must be withheld from information which may be released.

We have carefully reviewed your request and the information contained in your response to the stated NRC Order. We have concluded that some of the material contained in your response to the NRC Order may be withheld in accordance with 10 CFR 2.790(a)(6), but that certain other material should be released and placed in the Public Document Room. A copy of your response and its enclosures have been marked to indicate the portions deleted as not appropriate for release, and are enclosed herewith.

In accordance with 10 CFR 2.790(c), this expurgated copy is being forwarded to you as notice that the enclosures will be placed in the Public Document Room thirty (30) days from the date of this letter. If within thirty (30) days of this letter, you request withdrawal of these documents in accordance with 10 CFR 2.790(c), or provide additional reasons for the withholding of information not already expurgated from the documents enclosed, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure or returned to you.

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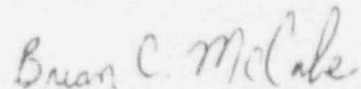
Mr. Ralph E. Beedle

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You 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 withheld 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,

A handwritten signature in cursive script that reads "Brian C. McCabe".

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

Enclosures:
As stated

cc w/enclosures:
See next page

Mr. Ralph E. Beedle
Power Authority of the State of New York

James A. FitzPatrick Nuclear
Power Plant

cc:

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Mr. John C. Brons, President
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

Regional Administrator, Region I
U. S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

Mr. Ralph E. Beedle

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July 18, 1991

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Sincerely,

ORIGINAL SIGNED BY:

Brian C. McCabe, Project Manager
Project Directorate I-1
Division of Reactor Projects - 1/11
Office of Nuclear Reactor Regulation

Enclosures:
As stated

cc w/enclosures:
See next page

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