



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 5, 1995

Mr. James E. Quinn, Projects Manager
LMR and SBWR Programs
GE Nuclear Energy
175 Curtner Avenue, M/C 165
San Jose, California 95125

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE, GENERAL ELECTRIC (GE) RESPONSES TO REQUEST FOR ADDITIONAL INFORMATION (RAI) DATED NOVEMBER 1, 1994

Dear Mr. Quinn:

By letter dated November 1, 1994, GE submitted the subject response to a staff RAI (Questions 950.49, 950.50, 950.52, and 950.53) and requested that it be withheld from public disclosure. This request was made in accordance with 10 CFR 2.790 and is supported by affidavit executed by Patrick W. Marriott, dated November 3, 1994, which claims, in part, that the response to Questions 950.49-53 information is classified as proprietary because it contains detailed results of test programs which GE and its associates have conducted and applied to evaluate the loss-of-coolant accident for the simplified boiling water reactor. The development and performance of the test program was achieved at a significant cost, on the order of several million dollars, to GE and its associates. In addition, the affidavit identifies the following reasons:

1. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GE's competitors without license from GE constitutes a competitive economic advantage over other companies.
2. Information which, if used by a competitor, would reduce his expenditures of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

The GE request for a proprietary determination extends to the entire responses to Questions 950.49, 950.50, 950.52, and 950.53. We have reviewed the request and determined that the affidavit has provided an insufficient basis for withholding the document from public disclosure. The staff has concluded that the responses (a simple identification of existing computer data files) do not contain detailed results of test programs, nor do they provide other parties, including competitors, with meaningful information that discloses a process, method, or data. Also, the responses do not disclose information that could be used by competitors to improve their position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product. Therefore, we have concluded that no portion of the subject RAI is proprietary.

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Mr. James E. Quinn
GE Nuclear Energy

Docket No. 52-004

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Mr. James E. Quinn

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Due to our determination, we intend to place the subject document in the Nuclear Regulatory Commission Public Document Room in 30 days from the date of this letter. If you wish to withdraw this document you may do so within the 30 day time period, pursuant to 10 CFR Section 2.790, or you may provide additional technical reasons as to why you consider these responses to contain proprietary information. Your request will be considered in light of the applicable statues and regulations and a determination made whether the documents will be withheld from public disclosure or returned to you.

Sincerely,

Original signed by
Dino C. Scaletti, Project Manager
Standardization Project Directorate
Division of Reactors Program Management
Office of Nuclear Reactor Regulation

Docket No. 52-004

cc: See next page

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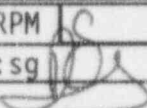
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*See previous concurrence

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