



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 7, 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) APPLICATION FOR DESIGN CERTIFICATION OF THE SIMPLIFIED BOILING WATER REACTOR (SBWR) STANDARD SAFETY ANALYSIS REPORT (SSAR) PROPRIETARY INFORMATION AND SUPPLEMENT THERETO

Dear Mr. Quinn:

By letters dated August 27, 1992, and February 28, 1993, GE Nuclear Energy (GE) submitted the subject information and requested that certain portions of the SBWR SSAR and Supplement be withheld from public disclosure. This request was made in accordance with 10 CFR 2.790 and is supported by affidavits, executed by Patrick W. Marriott, dated August 24, 1992, and February 26, 1993, which claim that the information is classified as proprietary because "Public disclosure...is likely cause substantial harm to the competitive position of the GE Company and deprive or reduce the availability of profit making opportunities because it contains details of GE design which are not available to other parties without prior proprietary agreement." In addition, the affidavits identify the information as "...the type customarily held in confidence by GE since it reveals valuable design information obtained at considerable expense to the GE Company."

The staff has reviewed the SBWR SSAR and Supplement in accordance with the requirements of 10 CFR 2.790. The information sought to be withheld is contained in 2 C-size binders (17x22 in.) containing drawings (logic diagrams, instrumentation and electrical diagrams, and man-machine interface design and implementation process drawings) and one A size (8.5x11 in.) binder containing information from SSAR Sections 4 (Reactor), Section 7 (Instrumentation and Control Systems), Section 11 (Radioactive Waste Management) and Section 18 (Human factors Engineering). The staff agrees that the information identified in the drawings and from SSAR Sections 4, 7, and 11; specifically Figures 4.3-1, 4A-XXa, d, e (XX from 1 to 15) related to the Nuclear design and typical control rod patterns; Appendix 4B, "Fuel licensing Acceptance Criteria;" Appendix 4C, "Control Rod Licensing Acceptance Criteria;" Section 4D.3 and Figures 4D-4, 5, 6, 8, and 9 related to the SBWR stability evaluation; Figures 7.3-2a, b, c, d; Figures 7.3, 4a, 4b; Pages 7.7-19 to 7.7-21; and Appendix 7A, "A Fixed In-Core Calibration System for the Neutron Monitoring System;" and Section 11.3, "Gaseous Waste Management System." contain trade secrets or proprietary commercial information. Therefore, the information identified in the drawings and from SSAR Sections 4, 7, and 11 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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With regard to Section 18, specifically Appendices 18 A, B, C, and E dealing with Emergency Procedures Guidelines, and Man-Machine Interfaces, the staff questions your proprietary claim. The information provided in these appendices is not of the type customarily held in confidence by GE. This is evident from the Advanced Boiling Water Reactor (ABWR) design certification application where the same types of information have been made available to the public in the ABWR SSAR. Therefore, the staff cannot support your claim that Section 18A, B, C, and E contain proprietary information.

In accordance with 10 CFR 2.790(c), Appendices 18A, 18B, 18C, and 18E 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 Section 2.790(c), or provide additional reasons for their withholding, 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.

With regard to the proprietary information, withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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, for example, if the scope of a Freedom of Information Act request included your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

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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Mr. James E. Quinn
GE Nuclear Energy

Docket No. 52-004

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