

April 1, 1985

Docket Nos. 50-325/324

Mr. E. E. Utley  
Executive Vice President  
Carolina Power & Light Company  
Post Office Box 1551  
Raleigh, North Carolina 27602

DISTRIBUTION  
Docket File  
NRC PDR  
Local PDR  
ORB#2 Reading  
GLainas  
SNorris  
MGrotenhuis  
EShomaker  
D. Scannetti  
L. Beltracchi

Dear Mr. Utley:

SUBJECT: REQUEST FOR WITHHOLDING FROM PUBLIC DISCLOSURE  
DATED DECEMBER 27, 1984 (NLS-84-506)

Re: Brunswick Steam Electric Plant, Units 1 and 2

By your application dated December 27, 1984 and the General Electric Company affidavit dated December 19, 1984 (Enclosure 9, transmitted by letter dated December 20, 1984 from J. K. Maruyama to R. L. Sanders), you submitted "Supplemental Response to Generic Letter 82-33, Requirements for Emergency Room Capability" and requested that a part of this document (Safety Analysis Report for the SPDS - Enclosure 1) be withheld from public disclosure pursuant to 10 CFR 2.790.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

"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:

- a. It is part of a program which was developed with the expenditure of resources exceeding \$17,000,000.
- b. Public availability of this information would deprive General Electric of the ability to seek reimbursement, would permit competitors to utilize this information to General Electric's detriment, and would impair General Electric's ability to maintain licensing agreements to the substantial financial and competitive disadvantage of General Electric.

8504160117 850401  
PDR ADDOCK 05000324  
F PDR

Mr. E. E. Utley

- 2 -

- c. Public availability of the information would allow foreign competitors, including competing BWR suppliers, to obtain information at no cost which General Electric developed at substantial cost. Use of this information by foreign competitors would give them a competitive advantage over General Electric by allowing foreign competitors to develop an Emergency Response Facilities Information System methodology at lower cost than General Electric."

We have reviewed your application and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of the vendor's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, the version of "Supplemental Response to Generic Letter 82-33, Requirements for Emergency Response Capability," Enclosure 1, "Safety Analysis Report for the SPDS," dated December 27, 1984, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 1.03(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 RAHermann for/

Domenic B. Vassallo, Chief  
Operating Reactors Branch #2  
Division of Licensing

cc: See next page

DL:ORB#2  
SNoFris:ajs  
03/22/85

DL:ORB#2  
MGrotenhuis  
03/15/85

OELB  
EShomaker  
03/11/85

DL:ORB#2  
DVassallo  
03/11/85

Mr. E. E. Utley  
Carolina Power & Light Company  
Brunswick Steam Electric Plant; Units 1 and 2

cc:

Richard E. Jones, Esquire  
Carolina Power & Light Company  
336 Fayetteville Street  
Raleigh, North Carolina 27602

George F. Trowbridge, Esquire  
Shaw, Pittman, Potts and Trowbridge  
1800 M Street, N. W.  
Washington, D. C. 20036

Mr. Charles R. Dietz  
Plant Manager  
Post Office Box 458  
Southport, North Carolina 28461

Mr. Franky Thomas, Chairman  
Board of Commissioners  
Post Office Box 249  
Bolivia, North Carolina 28422

Mrs. Chrys Baggett  
State Clearinghouse  
Budget and Management  
116 West Jones Street  
Raleigh, North Carolina 27603

Resident Inspector  
U. S. Nuclear Regulatory Commission  
Star Route 1  
Post Office Box 208  
Southport, North Carolina 28461

J. Nelson Grace  
Regional Administrator  
Region II Office  
U. S. Nuclear Regulatory Commission  
101 Marietta Street, Suite 3100  
Atlanta, Georgia 30303

Dayne H. Brown, Chief  
Radiation Protection Branch  
Division of Facility Services  
Department of Human Resources  
Post Office Box 12200  
Raleigh, North Carolina 27605