



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

July 24, 1996

Mr. Ralph J. Reda, Manager
Fuel and Facility Licensing
General Electric Company
P.O. Box 780
Wilmington, NC 28402

Dear Mr. Reda:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,
GENERAL ELECTRIC DETERMINATION OF LIMITING COLD WATER EVENT

By your letter and affidavit dated February 28, 1996, you submitted a copy of the GE report NEDC-32538P-A, "Determination of Limiting Cold Water Event." You stated that this was in response to the staff's letter to J. F. Klapproth dated January 5, 1996, which requested that GE follow the procedures established in NUREG-0930 and publish the NRC-accepted version, along with the staff's safety evaluation, and mark it with an -A following the report number. You also requested that this information be withheld from public disclosure pursuant to 10 CFR 2.790 and 10 CFR 9.17.

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

- (a) It discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies.
- (b) Its use 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.

We have reviewed your letter and the submitted material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information. However, we do not agree that the material contains safeguards information that should be protected under 10 CFR 2.790(d)(1). Therefore, the information submitted in your letter dated February 28, 1996, entitled "Transmittal of Determination of Limiting Cold Water Event (NEDC- 32538P-A) Documents," and 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, and not 2.790(d)(1).

If you believe that this information contains safeguards information as contemplated by subsection (d)(1), you are requested to review your claim and provide a detailed justification as to why the information should be considered safeguards material. In accordance with 10 CFR 2.790(c), please

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July 24, 1996

provide the results of your reevaluation within 30 days of the date of this letter, otherwise the document will not be considered to contain safeguards 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:

James H. Wilson, Senior Project Manager
Generic Issues and Environmental
Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

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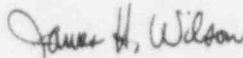
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