



52-004

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 2, 1996

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

Dear Mr. Quinn:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE, GENERAL ELECTRIC (GE) DATA TRANSMITTAL FOR GIRAFFE HELIUM TESTS H1 AND H2

By your letter dated February 15, 1996, you submitted the test results for the GIRAFFE Helium tests H1 and H2, and requested that they be withheld from public disclosure. This request was made in accordance with 10 CFR 2.790 and is supported by affidavit executed by Michael A. Smith, dated February 15, 1996, which claims in part that the nine computer disks and information identified by a bar in the right-side margin are classified as proprietary because they contain detailed results of the Simplified Boiling Water Reactor (SBWR) tests. This SBWR test program has been under development by GE and its associates for more than seven years at a total cost of tens of millions of dollars. In addition, the affidavit identifies the following reasons for maintaining the information as proprietary:

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;
3. Information which reveals aspects of past, present, or future GE customer-funded development plans and programs, of potential commercial value to GE.

We have reviewed your letter and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the subject test results contain trade secrets or proprietary commercial information. Therefore, the subject data transmittal for GIRAFFE Helium tests H1 and H2 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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Mr. James E. Quinn

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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: Theodore R. Quay

Son Q. Ninh, Project Manager
Standardization Project Directorate
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

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cc: See next page

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Mr. James E. Quinn
GE Nuclear Energy

Docket No. 52-004

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