



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20565-0001

50-333

October 27, 1998

Mr. David Robare
Technical Account Manager
Technical Services
General Electric Company
175 Curtner Ave.
San Jose, CA 95125

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
JAMES A. FITZPATRICK NUCLEAR POWER PLANT (TAC NO. MA1764)

Dear Mr. Robare:

By application from the New York Power Authority dated September 11, 1998, your affidavit dated May 7, 1998, you submitted GENE-187-30-0598, DRF#B13-01920-30, "CRD Bolting Flaw Evaluation for James A. FitzPatrick Nuclear Power Plant," Revision 0, dated May 1998, Class III, and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version will be submitted for placement in the NRC public document room.

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

The information 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;

The information which, if used 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.

The information identified is classified as proprietary because it contains detailed results of metallurgical evaluations of CRD Cap Screws. The information was developed at a significant expense to GE.

We have reviewed your application and the 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 proprietary commercial information.

Therefore, GENE-187-30-0598, DRF #B13-01920-30, CRD Bolting Flaw Evaluation for James A. FitzPatrick Nuclear Power Plant, 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.

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.

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PDR ADOCK 05000333
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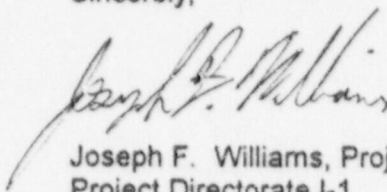
D. Robare

- 2 -

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 also should 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 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.

If you have any questions regarding this matter, I may be reached at (301) 415-1470.

Sincerely,



Joseph F. Williams, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-333

cc: See next page

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D. Robare

- 2 -

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Original signed by:

Joseph F. Williams, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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DATE	10/20/98		10/20/98	10/21/98	10/26/98

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Power Authority of the State
of New York

James A. FitzPatrick Nuclear
Power Plant

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