



GE Nuclear Energy

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September 19, 1995

MFN 189-95
Docket STN 52-004

Document Control Desk
U. S. Nuclear Regulatory Commission
Washington DC 20555

Attention: Theodore E. Quay, Director
Standardization Project Directorate

Subject: **SBWR - Proprietary Materials Review**

Over the past several months, NRC has focused heavily on reviewing all the prior SBWR submittals which GE has declared to be proprietary; subsequently, NRC has been sending GE the results of these reviews. We certainly appreciate the effort to deal with this large backlog, but it has "swamped" us during the time when we are heavily focused on the completion of three international test programs and submission of several major documents to the NRC as part of the licensing process. The letters that accept the GE declaration of Proprietary are readily dealt with, but those that do not concur require us to review our original position, the NRC position, and to do the appropriate research. Some of these documents are several years old and take significant effort. We are addressing these as expeditiously as possible, but will need more time than the standard 30 days specified in your letters. It should also be noted that the receipt date of your letters is often as much as 8 to 12 days later than the letter date. Thus, we request that we have 90 days to respond to your letters that do not concur with the GE proprietary declaration. We trust that you will agree with the reasonableness of this request and we will proceed on this basis and contact you if further action is warranted.

Further, we question that the remedy [placing the information in the Public Document Room (PDR)] is appropriate in the absence of a compelling current need by the NRC to have the subject materials on the docket. Rather, the appropriate remedy would be to return to GE after the notification period those materials where NRC does not concur with the GE proprietary declaration. We request that NRC consider the remedy in light of NRC's need for having the material on the docket and return the materials in question rather than place them in the PDR.

Sincerely,



James E. Quinn

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