

52-004



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 1, 1996

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE, GENERAL
ELECTRIC (GE) PANDA TRANSIENT INTEGRAL SYSTEMS TEST DATA TRANSMITTAL
REPORTS

Dear Mr. Quinn:

By your letter dated August 16, 1996, you submitted the subject PANDA Transient Integral Test Data Transmittal Reports 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 Joseph F. Quirk, dated August 15, 1996, which claims in part that the information identified by a bar in the right-side margins is classified as proprietary because it contains Simplified Boiling Water Reactor (SBWR) test facility results for use in conjunction with TRACG qualification analysis results, and scaling information on SBWR testing. The SBWR TRACG and testing programs have 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 reports contain trade secrets or proprietary commercial information. Therefore, the PANDA Transient Integral Systems Tests data Transmittal Reports 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. The nonproprietary versions of PANDA Transient Integral Systems Test Data Transmittal Reports have been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room.

0603
1/0

9610030228 961001
PDR ADOCK 05200004
A PDR

NRC FILE CENTER COPY

Mr. James E. Quinn

- 2 -

October 1, 1996

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

Docket No. 52-004

cc: See next page

DISTRIBUTION:

Docket File
PUBLIC
DScaletti
JMoore, 0-15 B18

PDST R/F
BGrimes
WDean, EDO
ACRS (11)

TMartin
TQuay
EJordan, T-4 D18
MPSiemien, 0-15 B18

DOCUMENT NAME: A:PROP-GE.47 (2B SBWR DISK)

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	PM:PDST:DRPM	PM:PDST:DRPM	OGC	D:PDST:DRPM
NAME	SON/nh	DCScaletti	MPSiemien	TRQuay
DATE	09/24/96	09/24/96	09/24/96	09/24/96

OFFICIAL RECORD COPY

Mr. James E. Quinn
GE Nuclear Energy

Docket No. 52-004

cc: Mr. Rob Wallace
GE Nuclear Energy
1299 Pennsylvania Avenue, N.W.
Suite 1100
Washington, DC 20004

Mr. Brian McIntyre
Westinghouse Electric Corporation
Energy Systems Business Unit
Box 355
Pittsburgh, PA 15222

Director, Criteria & Standards Division
Office of Radiation Programs
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

Mr. Sterling Franks
U.S. Department of Energy
NE-42
Washington, DC 20585

Mr. Robert H. Buchholz
GE Nuclear Energy
175 Curtner Avenue, MC-781
San Jose, CA 95125

Mr. Steven A. Hucik
GE Nuclear Energy
175 Curtner Avenue, MC-780
San Jose, CA 95125

Mr. Tom J. Mulford, Manager
SBWR Design Certification
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94304-1395