



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.

010052

Mr. James E. Quinn

- 2 -

October 2, 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.49 (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	OGC	<input checked="" type="checkbox"/>	D:PDST:DRPM			
NAME	DCScaletti sg	MPSiemien	MP	TRQuay	TR		
DATE	09/12/96	09/11/96		09/12/96			

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