

March 7, 2000

Mr. James Knubel
Chief Nuclear Officer
Power Authority of the State of New York
123 Main Street
White Plains, NY 10601

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FITZPATRICK NUCLEAR POWER PLANT (TAC NO. MA7860)

Dear Mr. Knubel:

By your application dated December 20, 1999, and affidavit dated December 15, 1999, executed by Mr. David J. Robare, of the General Electric Company, you submitted GE-NE-A1300458-00-01, "FitzPatrick MSIV [Main Steam Isolation Valve] Position Scram Set Point Change Assessment," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was submitted by letter dated February 4, 2000, for placement in the NRC public document room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because the information falls within one or more of the following categories:

- (1) Information that 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;
- (2) 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;
- (3) The information identified above, is classified as proprietary because it contains detailed results of analytical models, methods and processes, including computer codes, which GE has developed, obtained NRC approval of, and applied to carry out safety and performance evaluations for the BWR.

We have reviewed the affidavit, and the material in the license amendment application 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 and should be withheld from public disclosure.

Therefore, GE-NE-A1300458-00-01, "FitzPatrick MSIV Position Scram Set Point Change Assessment," 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.

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 301-415-1441.

Sincerely,

/RA/

Guy Vissing, Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-333

cc: See next page

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