

OCT 23 1975

Northern States Power Company  
ATTN: Mr. Leo Wachter, Vice President  
Power Production and System  
Operation  
414 Nicollet Mall  
Minneapolis, Minnesota 55401

Gentlemen:

This refers to the letter dated September 22, 1975, from Mr. L. J. Wachter to Mr. James G. Keppler, Director, Region III, in which you requested that certain information contained in Inspection Report No. 50-263/75-13 be withheld from public disclosure on the basis that such information is considered proprietary.

On the basis of our review of your request we do not agree that the information claimed to be proprietary is, in fact, proprietary. With respect to the summary of fuel failure data, similar data for other plants are available in the Public Document Room, e.g., Inspection Report Nos. 50-271/73-02 regarding Vermont Yankee Nuclear Power Corporation, and 50-10/73-02 regarding Commonwealth Edison Company.

Considering the above, we believe that the justification for withholding from public disclosure the information identified by you in Report No. 50-263/75-13 has not been supplied. In view of this situation, we plan to place the report in the Commission's Public Document Room, unless, within 30 days of the date of this letter, you provide us with justification for withholding the information from public disclosure.

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In the event you seek to further justify your claim that certain information in these reports is proprietary and properly subject to withholding, such justification should take into account those matters which are identified in the attachment to this letter.

Sincerely,

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John G. Davis, Acting Director  
Division of Field Operations  
Office of Inspection and  
Enforcement

Enclosure:  
Conditions for According  
Proprietary Protection

cc:  
General Electric Company  
ATTN: Mr. W. T. Mens, M/C 174  
BWR Projects Department  
175 Curtner Avenue  
San Jose, California 95125

bcc:  
D. F. Knuth, IE  
B. H. Grier, IE  
V. A. Moore, RL  
K. R. Goller, RL  
J. G. Keppler, IE:III  
G. Fiorelli, IE:III  
R. F. Warnick, IE  
R. C. Paulus, IE  
IE Files  
Central Files  
Reading Files  
PDR  
Local PDR  
NSIC  
TIC

*update attachment*

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SURNAME	RFW REWarnick/mh	HDThornburg	JPMurray	JGDavis		
DATE	10/16/75	10/14/75	10/13/75	10/21/75		

Matters to be Taken Into Account  
In Determining Whether Information  
Or Documents Are Proprietary To  
The Originator

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1. The information or document has been identified as proprietary by the originator in accordance with the originator's normal procedures with respect to such identification.
2. The information is of a proprietary nature which is customarily held in confidence by the Originator and not customarily made available to the public.
3. Where such document or the information contained therein has been made available to the United States Nuclear Regulatory Commission, or others, it has been given as a confidential disclosure with a request by the originator that such information not be disclosed or divulged to others.
4. The document contains information, or the information is, either vital to a competitive advantage which the originator may have or information which is potentially helpful to competitors of the originator affecting the interests of the originator, its customers, and suppliers.
5. In determining whether a document or information is to be identified as proprietary, the following procedure has been used by the originator asserting such claim: (a) an initial determination as to whether a document or report should be classified as proprietary has been made by the author of the report as the person most knowledgeable with respect to the content of said report, the nature of the sensitivity of information contained therein, the state of the art and knowledge in the industry with respect to the subject matter of said report, and the usefulness of the information contained in the report with respect to assisting competitors or giving the originator a competitive advantage relating thereto and (b) thereafter, if a preliminary determination has been made to identify the report as proprietary, that determination has been reviewed by the management level supervisors of the originator of the report and if such determination was approved upon review, the report was identified as proprietary.
6. In determining whether information is proprietary, the following criteria and standards were utilized by the originator. Information is proprietary if any one of the following are met:
  - a. It reveals the distinguishing aspects of a process (or a component; structure, tool, method, etc.) whose exclusive use by the originator constitutes a competitive economic advantage over others.

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- b. It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.) the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- c. Its use by a competitor would reduce his expenditure or resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- d. It reveals cost or price information, production capacities, budget levels, or commercial strategies of the originator, its customers or suppliers, which when used by the originator constitutes a competitive economic advantage over other companies.
- e. It reveals aspects of past, present, or future originator - or customer - funded development plans and programs of potential commercial value to the originator.
- f. It contains patentable inventions for which patent protection may be desirable.

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