



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 11, 1994

Docket Nos. 50-369  
and 50-370

Mr. J. H. Taylor, Manager  
License Services  
B&W Nuclear Technologies  
155 Mill Ridge Road  
Lynchburg, Virginia 24502-4341

Dear Mr. Taylor:

SUBJECT: WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE - MCGUIRE  
NUCLEAR STATION, UNITS 1 AND 2

By letter dated January 26, 1994, Duke Power Company submitted B&W Nuclear Technologies (BWNT) document #51-1228682-00 titled, "Evaluation of BWNT's Kinetic Sleeving Process" (proprietary), and requested that this document be withheld from public disclosure in accordance with 10 CFR Section 2.790 of the Commission's regulations. A copy of BWNT's non-proprietary version was also submitted (#51-1228707-01) for placement in the NRC's Public Document Room.

In an affidavit dated December 10, 1993, you provided information supporting the basis on which the information held proprietary to BWNT be withheld from public disclosure pursuant 10 CFR Section 2.790(b)(4) in accordance with the following criteria.

- a. The information reveals data or material concerning BWNT research or development plans or programs of present or potential competitive advantage to BWNT.
- b. The use of the information by a competitor would decrease his expenditures, in time or resources, in designing, producing or marketing a similar product.
- c. The information consists of test data or other similar data concerning a process, method or component, the application of which results in a competitive advantage to BWNT.
- d. The information reveals special aspects of a process, method, component or the like, the exclusive use of which results in a competitive advantage to BWNT.

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Mr. J. H. Taylor

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The NRC staff has reviewed BWNT's information based on the requirements and criteria of 10 CFR 2.790 and, on the basis of BWNT's statement, has determined that the submitted material sought to be withheld contains proprietary commercial information. Therefore, the proprietary information will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act, as amended.

Withholding from public disclosure 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 disclosure 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 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.

Sincerely,

Original signed by:

Victor Nerses, Project Manager  
Project Directorate II-3  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

cc: See next page

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Mr. T. C. McMeekin  
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McGuire Nuclear Station

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