

Docket file



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 29, 1994

Docket No. 50-423

Mr. N. J. Liparulo, Manager
Nuclear Safety & Regulatory Activities
Westinghouse Electric Corporation
Post Office Box 355
Pittsburgh, Pennsylvania 15230-0355

Dear Mr. Liparulo:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3 (TAC NO. M88290)

By your application dated December 22, 1993 (CAW-93-559), you submitted a proprietary report titled "Response to NRC Questions on RCS Flow Reduction Evaluation," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. The report was accompanied by an affidavit by Henry A. Sepp dated December 22, 1993.

Mr. Sepp stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- (c) Its use 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 a similar product.

We have reviewed your application and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of Westinghouse's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, the version of the submitted information 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.

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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, such as, 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 Albert W. De Agazio

for: John F. Stolz, Director
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

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Mr. N. J. Liparulo

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March 29, 1994

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Sincerely,



John F. Stolz, Director
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

Millstone Nuclear Power Station
Unit 3

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