

September 23, 1982

Docket No. 50-219
LS05-82-09-075

Mr. P. B. Fiedler, Vice President and Director
Oyster Creek Nuclear Generating Station
Post Office Box 388
Forked River, New Jersey 08731

Dear Mr. Fiedler:

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SUBJECT: APPLICATION FOR WITHHOLDING EXXON REPORT XN-NF-78-12

By letter dated August 6, 1982, you submitted an Exxon Nuclear Company, Inc. (ENC) test report XN-NF-78-12 titled "Spray Cooling Heat Transfer Test Results Phase - II Facility and Test Data ENC 8X8 BWR Fuel," dated May 1979. You requested that the report be withheld from public disclosure pursuant to 10 CFR Section 2.790. The withholding request is supported by an ENC affidavit, signed by Mr. James N. Morgan, dated July 16, 1982.

ENC maintains that the document contains information of the type customarily held in confidence by them and that such information is not available in public sources. ENC also states that the information reveals certain distinguishing aspects of emergency core cooling system spray-cooling test results which secure competitive economic advantage to ENC for fuel design optimization and improved marketability. ENC believes that disclosure of this information would reduce the expenditure of their competitors and, thus, would harm the competitive position of ENC.

We have reviewed the application and related material based on the requirements and criteria of 10 CFR 2.790 and have determined that XN-NF-78-12 contains proprietary commercial information.

We have also found at this time that the right of the public to be fully apprised as to the bases for and effects of the proposed action does not outweigh the demonstrated concern for protection of ENC's competitive position. Accordingly, we have determined that the applicable information should be withheld from public disclosure.

We, therefore, approve the request for withholding pursuant to Section 2.790 of 10 CFR Part 2 and are withholding from public inspection as proprietary XN-NF-78-12.

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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, assure that the consultants have signed the appropriate agreements for handling proprietary data.

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 or ENC should promptly notify the NRC.

Sincerely,

Original signed by
Dennis M. Crutchfield

Dennis M. Crutchfield, Chief
Operating Reactors Branch #5
Division of Licensing

cc:
See next page

OFFICE	DU:ORB#5	DL:ORB#5	ELD	DL:ORB#5			
SURNAME	HSmith:ais	JLombardi	<i>[Signature]</i>	DCrutchfield			
DATE	9/16/82	9/17/82	9/27/82	9/23/82			

Mr. P. B. Fiedler

cc

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Licensing Supervisor
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