

*Docket file*



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

February 28, 1994

Docket No. 50-336

Mr. S. A. Toelle  
Manager, Nuclear Licensing  
Combustion Engineering Nuclear Services  
1000 Prospect Hill Road  
Post Office Box 500  
Windsor, Connecticut 06095-0500

Dear Mr. Toelle:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
MILLSTONE NUCLEAR POWER STATION, UNIT NO. 2 (TAC NO. M86361)

By your affidavit dated January 7, 1994, and Northeast Nuclear Energy Company's (NNECO's) letter dated January 27, 1994, it was requested that the "Response to Request for Additional Information (TAC No. M86361) Detailed Seismic and Structural Information (Proprietary);" be withheld from public disclosure pursuant to 10 CFR 2.790.

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

1. The information sought to be withheld from public disclosure, which is owned and has been held in confidence by Combustion Engineering, is modeling and structural analysis of the Millstone Unit 2 spent fuel storage racks supplied by Combustion Engineering.
2. The information consists of test data or other similar data concerning a process, method or component, the application of which results in substantial competitive advantage to Combustion Engineering.
3. a. The information consists of specific models, methodology, and data used for the structural analysis of the Millstone Unit 2 spent fuel storage racks supplied by Combustion Engineering, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Combustion Engineering, take marketing or other actions to improve their product's position or impair the position of Combustion Engineering's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.

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- b. In pricing Combustion Engineering's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of Combustion Engineering's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
- c. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on Combustion Engineering's potential for obtaining or maintaining foreign licensees.

We have reviewed NNECO's letter and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of Combustion Engineering'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.

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:  
 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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DATE	2/15/94	2/15/94	2/16/94	2/17/94	

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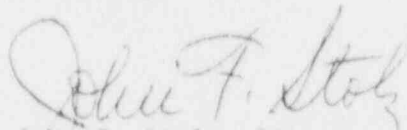
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Sincerely,



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

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