

APR 19 1983

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Docket No. 50-373

Mr. Dennis L. Farrar
Director of Nuclear Licensing
Commonwealth Edison Company
P. O. Box 767
Chicago, Illinois 60690

Dear Mr. Farrar:

Subject: Request for Withholding Information from Public Disclosure

By your application and affidavit dated February 28, 1983, you submitted information on high frequency loads due to condensation oscillation and chugging, and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790.

Section 2.790 (b) (1) (ii) of 10 CFR Part 2 of the Commission's regulations requires that each supporting affidavit contain a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. The section further requires the statement to "address with specificity" the considerations listed in Section 2.790 (b).(4).

Your affidavit has been reviewed in light of the aforementioned paragraphs of the regulations and find that the Caorso information has been deemed proprietary. However, we do find that we need further information in the other aspect of your affidavit with respect to the methodology used being proprietary.

Accordingly, consideration should be given to supplementing the present record with additional factual information. If such action is taken, it is suggested that you furnish specific factual information for your application indicating:

- (1) What is so unique in this methodology since it is very general in nature and does not have any specificity, and
- (2) Why is this methodology a trade secret?

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conceded by phone 4/19/83

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In summary, we have determined that your affidavit is not in conformity with Section 2.790 (b) of the Commission's regulations inasmuch as it fails to address the considerations of paragraph (b) (4) with sufficient specificity to enable us to make the required determination under Section 2.790 (b). Consequently, we are unable to conclude at this time that all the information referenced in the affidavit is proprietary.

Notwithstanding the above discussion, in our letter dated April 13, 1983, we informed you that this February 28, 1983 submittal (specifically, "proprietary" Enclosure B) was unacceptable inasmuch as it did not resolve the concern it was designed to resolve. Therefore, based on the provisions of 10 CFR 2.790(b)(5), unless we hear from you to the contrary within 30 days of receipt of this letter, we intend to return your February 28, 1983 "proprietary" submittal as a document irrelevant or unnecessary to the performance of our regulatory functions.

Sincerely,

Original signed by

A. Schwencer, Chief
Licensing Branch No. 2
Division of Licensing

cc: See next page

OFFICE ▶	.....	.....	.....	.....	.....	.....	.....
SURNAME ▶	.....	.....	.....	.....	.....	.....	.....
DATE ▶	.....	.....	.....	.....	.....	.....	.....

La Salle

Mr. Dennis L. Farrar
Director of Nuclear Licensing
Commonwealth Edison Company
P. O. Box 767
Chicago, Illinois 60690.

cc: Philip P. Steptoe, Esquire
Suite 4200
One First National Plaza
Chicago, Illinois 60603

Dean Hansell, Esquire
Assistant Attorney General
188 West Randolph Street
Suite 2315
Chicago, Illinois 60601

William G. Guldemon, Resident Inspector
LaSalle NPS, U.S.N.R.C.
P. O. Box 224
Marseilles, Illinois 61364