



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

MAY 9 1984

Docket No.: 50-423

Mr. R. A. Wieseman, Manager
Regulatory and Legislative Affairs
Westinghouse Electric Corporation
P. O. Box 355
Pittsburgh, Pennsylvania 15230

Dear Mr. Wieseman:

Subject: Withholding from Public Disclosure - Response to Question 492.4 -
CAW-83-65 - Millstone Nuclear Power Station, Unit No. 3

By your application, dated August 18, 1983 and Northeast Utilities letter, dated February 16, 1984, you submitted the response to NRC Question 492.4 and requested that it 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 submitted is of the type customarily held in confidence by Westinghouse and not customarily disclosed to the public. The information was transmitted to the Commission in confidence and under the provisions of 10 CFR Section 2.790, received in confidence by the Commission. The information is not available in public sources to the best of our knowledge and belief, is owned and has been held in confidence by Westinghouse.
2. The information submitted by Westinghouse concerns Reactor Protection System/Engineered Safety Features Actuation System Setpoint Methodology. The use of this information by Westinghouse gives them a competitive advantage over competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position. The information enables them to justify their design, assist its customers to obtain licenses, meet warranties, provide greater operational flexibility to customers assuring them of safe and reliable operation, justify increased power capability or operating margin for plants while assuring safe and reliable operation, and optimize reactor design and performance while maintaining a high level of fuel integrity. Release of this information to the public would greatly reduce the competitive status of Westinghouse.

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PDR ADOCK 05000423
A PDR

MAY 9 1984

Mr. W. G. Council
Senior Vice President
Nuclear Engineering and Operations
Northeast Nuclear Energy Company
Post Office Box 270
Hartford, Connecticut 06141

cc: Gerald Garfield, Esq.
Day, Berry & Howard
One Constitution Plaza
Hartford, Connecticut 06103

Mr. Maurice R. Scully, Executive
Director
Connecticut Municipal Electric
Energy Cooperative
268 Thomas Road
Groton, Connecticut 06340

Robert W. Bishop, Esq.
Corporate Secretary
Northeast Utilities
Post Office Box 270
Hartford, Connecticut 06141

Mr. T. Rebelowski
Senior Resident Inspector Office
U. S. Nuclear Regulatory Commission
Millstone III
P. O. Box 615
Waterford, Connecticut 06385

Mr. Michael L. Jones, Manager
Project Management Department
Massachusetts Municipal Wholesale
Electric Company
Post Office Box 426
Ludlow, Massachusetts 01056

Mr. Thomas Murley
U. S. Nuclear Regulatory Commission,
Region I
631 Park Avenue
King of Prussia, Pennsylvania 19406

Mr. Brian Norris
Public Affairs Office
U.S.N.R.C. - Region I
King of Prussia, Pennsylvania 19406

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

We have determined that the Westinghouse response to NRC Question 492.4, dated February 16, 1984, marked as proprietary, should be withheld from public disclosure pursuant to 10 C.F.R. 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

We therefore approve your request for withholding pursuant to 10 CFR 2.790 and are withholding the response to NRC Question 492.4 from public inspection as proprietary.

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, insure 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 needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

B. J. Youngblood
B. J. Youngblood, Chief
Licensing Branch No. 1
Division of Licensing

cc: See next page *See previous concurrences

CONCURRENCES:

*DL:LB#1
MRushbrook:es
4/6/84

*DL:LB#1
ELDoolittle
4/13/84

*CPB
Amira Gill
4/16/84

*Indefinite -
see attached memo for Shuman*
OELD
EShomaker
4/12/84
DL:LB#1
BJYoungblood
4/9/84

DIST:

Docket File
NRC PDR
Local PDR
PRC System

NSIC
LB#1 Rdg
MRushbrook
ELDoolittle

OELD, Attorney
ACRS 16
EJordan
NGrace