

Docket File



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

February 28, 1992

Docket Nos 50-373  
and 50-374

Mr. Thomas J. Kovach  
Nuclear Licensing Manager  
Commonwealth Edison Company-Suite 300  
OFUS West III  
1400 OPUS Place  
Downers Grove, Illinois 60515

Dear Mr. Kovach:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

By your letter dated September 23, 1991, and Sargent and Lundy's (S&L) affidavit dated October 4, 1991, you submitted a document entitled, "Supplemental Response to the Station Blackout Rule" and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790.

Sargent and Lundy stated that the information should be considered exempt from mandatory public disclosure for the following reasons:

\* \* \* \* \*

... certain distinguishing aspects of the methods employed by S&L in completing its calculations are disclosed in the Documents. S&L has developed these methods as a result of its long and extensive experience in power station engineering, and these methods secure a significant competitive advantage for S&L in its business over its competitors who do not or may not employ these methods as they are disclosed in the Documents.

The information described above and contained in the Documents is proprietary and confidential in nature and is of the type customarily held in confidence by S&L and not made available to the public. ...other companies in this field regard information of the kind contained in the Documents as proprietary and confidential.

The disclosure of the proprietary information contained in these Documents to a competitor would permit the competitor to reduce its expenditure of money and manpower and to improve its competitive position by giving it valuable insights into S&L's calculation methodology and would therefore result in substantial harm to S&L's competitive position.

Information in these Documents provides insight into S&L's calculation methodology, not otherwise available to competitors. S&L has invested significant manpower and financial resources in

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developing the methodology disclosed in the Documents. Assuming a competitor had available to him the information disclosed in the Documents, the competitor might, at a minimum, develop the same methodologies for the same expenditure of manpower and money as S&L, and, in a worst case scenario, be able to save significant resources and gain an unfair competitive advantage over S&L by using S&L's proprietary knowledge. This information is considered by S&L to be at the core of its business.

This proprietary information is held in strict confidence by S&L and is not available in public sources.

S&L policy requires that this proprietary information be kept in a secured file or area and distributed on a need to know basis.

In accordance with S&L's policies governing the protection and control of information, these Documents and the proprietary information contained in them, were provided to CECO under an agreement providing for nondisclosure and limited use of the Documents and information.

\* \* \* \* \*

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Sargent & Lundy's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, we have determined that the document entitled, "Supplemental Response to the Station Blackout Rule," 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 document. 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, for example, 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,

Original signed by:  
Byron L. Siegel

Byron L. Siegel, Project Manager  
Project Directorate III-2  
Division of Reactor Projects - III/IV/V  
Office of Nuclear Reactor Regulation

cc: See next page

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