

JAN 15 1988

Docket No. 50-423

Mr. Edward J. Mroczka
Senior Vice President
Nuclear Engineering and Operations
Northeast Nuclear Energy Company
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Docket File

NRC & Local PDRs
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B. Boger
J. Partlow

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R. Ferguson
OGC
ACRS(10)
E. Jordan

Dear Mr. Mroczka:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Re: Millstone Nuclear Power Station, Unit No. 3

By your application and affidavit date November 25, 1987, you submitted WCAP 11496 Appendix C entitled, "Response To NRC Question 5" 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:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouses constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

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- (f) It contains patentable ideas, for which patent protection may be desirable.
- (g) It is not property of Westinghouse, but must be treated as proprietary by Westinghouse according to agreements with the owner.

We have reviewed your application and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of Westinghouse'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"

Robert L. Ferguson, Project Manager
 Project Directorate I-4
 Division of Reactor Projects I/II

cc See next page

LA:PD1-4
 SNeFFTs
 1/12/88

PM:PD1-4
 RFerguson:lm
 1/12/88

PD1-4
 JStolz
 1/13/88

DGC
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Mr. E. J. Mrocza
Northeast Nuclear Energy Company

Millstone Nuclear Power Station
Unit No. 3

cc:

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