

50-443



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 26, 1998

Gerald Charnoff, Esquire
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037-1128

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE, SEABROOK STATION, UNIT 1 (TAC NO. MA3842)

Dear Mr. Charnoff:

By your letter dated October 2, 1998, and affidavit dated September 21, 1998, executed by Mr. Frank W. Getman, Jr. you submitted financial data for BayCorp Holdings, Ltd. (Exhibit 1) and requested that Exhibit 1 be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version of Exhibit 1 was included in the License Transfer Application that was submitted by North Atlantic Energy Service Corporation on September 29, 1998, which has been designated for placement in the NRC public document room.

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

1. The information in Exhibit 1 is information of the type customarily held in confidence by BayCorp and its subsidiaries and that BayCorp and its subsidiaries do not disclose this type of information to the public and it is not available from public sources.
2. The type of information in Exhibit 1 is commercially sensitive to the conduct of Great Bay's sale of power and its disclosure to competitors and customers could cause BayCorp and its subsidiaries substantial competitive harm.
3. If the information contained in Exhibit 1 became available to Great Bay's competitors or customers (both current and potential), those parties would learn of sensitive pricing and cost information which could be used against Great Bay in the negotiation of current and future power sales. Such a result would place Great Bay at a significant competitive disadvantage in the negotiations of current and future power sales and cause BayCorp and its subsidiaries substantial commercial harm.

We have reviewed your request and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary financial information and should be withheld from public disclosure.

Therefore, the unredacted version of the submitted information marked as confidential 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.

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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 also should 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 makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at (301) 415-3199.

Sincerely,

Original signed by

John Harrison, Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-443

cc: See next page

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North Atlantic Energy Service Corporation

cc:

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