

50-245
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50-423

October 23, 1997

John Beck
Team Leader, ITOP
President, Little Harbor Consultants, Inc.
Millstone - ITOP Project Office
P.O. Box 0630
Niantic, Connecticut 06357-0630

Dear Mr. Beck:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,
LITTLE HARBOR CONSULTANTS LETTER OF SEPTEMBER 12, 1997 ITOP
97-0030

By your letter dated September 12, 1997, you submitted both a redacted and unredacted versions of the Little Harbor Consultants, Inc. Report on Alleged Retaliation in the Motor Operated Valve Program. You requested the unredacted version be withheld from public disclosure in accordance with 10 CFR 2.790. This is the response to that request.

In your request you stated that you considered the unredacted version to be confidential and that it reveals personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy and that it be withheld from public disclosure pursuant to 10 CFR 2.790. The affidavit, executed by you on September 12, 1997, states that this information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The information is related to the circumstances of actions taken against individuals by NNECo that may be used in making personnel decisions, the public disclosure of which would constitute a clearly unwarranted invasion of personnel privacy.
- (b) The circumstances of personnel actions taken against individuals is customarily treated in strict confidence by NNECo.

We have reviewed Little Harbor's request based on the requirements and criteria of 10 CFR 2.790, and have determined that the submitted information sought to be withheld contains privacy information. Therefore, the privacy information so identified by DPC will be withheld from public disclosure pursuant to 10 CFR 2.790(a)(6) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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Withholding information from public disclosure 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 the 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. If the NRC determines that the information should be made publicly available as a result of future review, you will be notified in advance of any public disclosure.

Sincerely,

ORIGINAL SIGNED BY:

Wayne D. Lanning
Deputy Director of Inspections
Special Projects Office, NRR

Docket Nos. 50-245
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cc: Lillian Cuoco, Esquire

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