

August 21, 1986

Mr. A. E. Scherer, Director
Nuclear Licensing
Combustion Engineering, Inc.
1000 Prospect Hill Road
P.O. Box 500
Windsor, Connecticut 06095-0500

Dear Mr. Scherer:

SUBJECT: INFORMAL PROPRIETARY MATERIAL PROVIDED AT MEETING ON AUGUST 5, 1986

The material provided to the NRC at the UPI task technical review meeting on August 5, 1986, and transmitted by your August 13, 1986 letter, contained information that you requested be withheld from public disclosure in accordance with Commission regulations regarding the handling of proprietary information. Since the material was for the general information of the staff and is not intended to be used as a basis for any official actions by the NRC, we will treat this material as proprietary information within the provision of 10 CFR 9.5(4) of the Commission's regulations, with the following exceptions:

- (1) Information which is found to be generally available to the public will not be treated as proprietary.
- (2) Information which is available to the government or becomes available on an unrestricted basis will thereafter be treated as nonproprietary.
- (3) Documentary material requested under the Freedom of Information Act (5 U.S.C. 552) will be reviewed at the time the request is received and a determination made whether such information may be withheld from public disclosure. This determination will be made on the basis of additional information which will be required to be furnished to the NRC in support of the CE's proprietary position.
- (4) The NRC, under a nondisclosure agreement, may disclose this information to licensees and applicants if such disclosure is necessary to assure that the public health and safety is adequately protected.

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If there is a need to consider the public disclosure of the CE proprietary material identified in this letter, it is our intention that CE would be notified prior to making a disclosure determination and that such a determination would be made in accordance with the procedures and conditions of 10 CFR 9, Subpart A. Should CE employ these data as part of any license application or any other action identified in 10 CFR 2.790(a), such data shall be separately submitted and such submittal shall include an application for withholding accompanied by an affidavit meeting the requirements of 10 CFR 2.790(b).

We hope that the provisions set forth in this letter for control of this information are acceptable to you.

Sincerely,

Respectfully,
By:

Carl Berlinger, Chief
Reactor Systems Branch
Division of PWR Licensing-A
Office of Nuclear Reactor Regulation

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