

July 19, 2000

Mr. Ian C. Rickard
Director, Nuclear Licensing
CE Nuclear Power
P.O. Box 500
2000 Day Hill Road
Windsor, CT 06095-0500

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -
CE NUCLEAR POWER, LLC (TAC NO. MA1677)

Dear Mr. Rickard:

By your application dated June 5, 2000, and affidavit dated June 2, 2000, you submitted CENPD-396-P, Appendix 3, Revision 01, "Common Qualified Platform, Digital Plant Protection System," May 2000, and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary copy of this document has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

- a. A similar product is manufactured and sold by major competitors of CENP.
- b. Development of this information by CENP required millions of dollars and thousands of manhours of effort. A competitor would have to undergo similar expense in generating equivalent information.
- c. In order to acquire such information, a competitor would also require considerable time and inconvenience to develop an equivalent set of functional requirements and conceptual design of a Digital Plant Protection System based on Common Qualified Platform components.
- d. The information describes the functional requirements and conceptual design of a Digital Plant Protection System based on Common Qualified Platform components, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with CENP, take marketing or other actions to improve their product's position or impair the position of CENP's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
- e. In pricing CENP's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality

assurance and other costs and expenses must be included. The ability of CENP's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

- f. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems, nuclear fuel, analyses, or other support services by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on CENP's potential for obtaining or maintaining foreign licensees.

We have reviewed your application 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 commercial information and should be withheld from public disclosure.

Therefore, the version of CENPD-396-P, Appendix 3, Revision 01, "Common Qualified Platform, Digital Plant Protection System," 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 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) 415-1424.

Sincerely,

/RA/

Jack Cushing, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 692

cc: See next page

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