

June 21, 2001

Mr. H. A. Sepp, Manager
Regulatory and Licensing Engineering
Westinghouse Electric Company LLC
P.O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(AW-01-1461)

Dear Mr. Sepp:

By letter dated June 7, 2001, Westinghouse Electric Company LLC submitted "Westinghouse Nuclear Automation Basis for Change to CENPD-396-P Appendix 3, Digital Plant Protection System," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version of the document was submitted for placement in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library

Westinghouse Electric Company LLC stated in its affidavit dated June 7, 2001, that the information should be considered exempt from mandatory public disclosure pursuant to 10 CFR 2.790 for the following reasons:

- (ii) (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 Westinghouse constitutes a competitive economic advantage over other companies.
- (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.

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 trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, we have determined that the attachment to the June 7 letter entitled, "Westinghouse Nuclear Automation Basis for Change to CENPD-396-P Appendix 3, 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.

Mr. H. A. Sepp

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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.

Sincerely,

/RA/

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

Project No. 700

cc:
Mr. Andrew Drake, Project Manager
Westinghouse Owners Group
Westinghouse Electric Corporation
Mail Stop ECE 5-16
P.O. Box 355
Pittsburgh, PA 15230-0355

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

Project No. 700

cc:
Mr. Andrew Drake, Project Manager
Westinghouse Owners Group
Westinghouse Electric Corporation
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P.O. Box 355
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