

December 12, 2001

Mr. Philip W. Richardson, Manager
Windsor Nuclear Licensing
Westinghouse Electric Company
2000 Day Hill Road
Windsor, CT 06095

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Richardson:

By affidavit dated November 9, 2001, Westinghouse Electric Company LLC provided slides entitled, "Startup Test Time Reduction Program Presentation to NRC Staff," and requested that they be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. The slides will be used at a meeting between the Combustion Engineering Owners Group and the NRC staff on November 28, 2001. A non-proprietary version of the slides was not provided for placement in the NRC public document room and 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 or service is provided by major competitors of Westinghouse.
- b. WEC invested substantial funds and engineering resources in the development of this information. A competitor would have to undergo similar expense in generating equivalent information.
- c. The information consists of methodology and evaluation results concerning the elimination of certain startup tests at a nuclear power plant, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to design their product or service to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar technical analysis in support of their processes, method or apparatus.
- d. In pricing WEC's products and services, significant research, development, engineering, analytical, manufacturing, licensing quality assurance and other costs and expenses must be included. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

- e. Use of the information by competitors in the international marketplace would increase their ability to market comparable products or services by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licenses.

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 slides entitled, "Startup Test Time Reduction Program Presentation to NRC Staff," 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 S. Cushing, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 692

cc: See next page

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CE Owners Group

Project No. 692

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