

June 16, 2003

Mr. Gary Pavis  
Westinghouse Owners Group  
Constellation Energy Group  
Calvert Cliffs Nuclear Power Plant, Inc.  
P.O. Box 1635  
Lusby, MD 20657-4702

SUBJECT: WESTINGHOUSE OWNERS GROUP – REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Pavis:

By letter dated March 31, 2003, the Combustion Engineering Owners Group (now merged with the Westinghouse Owners Group) submitted an affidavit dated March 31, 2003, executed by Norton L. Shapiro, requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

WCAP-16011-P, Revision 00, "Startup Test Activity Reduction Program"

A nonproprietary copy of the document was provided for placement in the Nuclear Regulatory Commission's (NRC's) Public Document Room and for addition to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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 [WEC].
- b. WEC has 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 evaluations, analysis and justification for eliminating certain startup physics tests performed at CEOG plants following a refueling outage, the application of which provides Westinghouse 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, methods or apparatus.

- d. Significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included in pricing WEC's products and services. 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 this 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, WCAP-16011-P, Revision 00, "Startup Test Activity Reduction Program," 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) 415-3764.

Sincerely,

**/RA/**

Brian Benney, Project Manager, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Project No. 694

cc: See next page

G. Pavis

cc:

Mr. Hank A. Sepp, Manager  
Regulatory and Licensing Engineering  
Westinghouse Electric Company  
Mail Stop WEC E 4-7A  
P.O. Box 355  
Pittsburgh, PA 15230-0355

Mr. Gordon C. Bischoff, Manager  
Owners Group Projects  
Westinghouse Electric Company  
Mail Stop 6112-0420  
Windsor, CT 06095-0500

Mr. Ian C. Rickard, Project Manager  
Windsor Nuclear Licensing  
Westinghouse Electric Company  
Mail Stop 6009-0420  
Windsor, CT 06095-0500

Mr. Charles B. Brinkman, Director  
Washington Operations  
Westinghouse Electric Company  
12300 Twinbrook Parkway, Suite 330  
Rockville, MD 20852

- d. Significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included in pricing WEC's products and services. 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.
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