

July 30, 2003

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

SUBJECT: WITHHOLDING OF PROPRIETARY VERSION OF WESTINGHOUSE
ELECTRIC COMPANY'S TOPICAL REPORTS WCAP-15628 AND
WCAP-15363, REVISION 1 - REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE

Dear Mr. Sepp:

By Carolina Power & Light Company (CP&L) letter dated May 7, 2003, and your affidavit dated April 9, 2003, you submitted proprietary versions of Topical Reports WCAP-15628, "Technical Justification for Eliminating Large Primary Loop Pipe Rupture as the Structural Design Basis for the H. B. Robinson Unit 2 Nuclear Power Plant for the License Renewal Program," and WCAP-15363, Revision 1, "A demonstration of Applicability of ASME Code Case N-481 to the Primary Loop Pump Casings of H. B. Robinson Unit 2 for the License Renewal Program" and requested that they be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. A non-proprietary copy of these documents have been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added 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) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse. Also, the information is of a type customarily held in confidence by Westinghouse and not disclosed to public.
- b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products or services involving the use of the information.
- c) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.
- d) Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar products and licensing defense services for commercial power reactors without commensurate expenses.

We have reviewed your 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 the submitted information 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 the 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/

Sikhindra Mitra, Project Manager
License Renewal Section A
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Program
Office of Nuclear Reactor Regulation

Docket No.: 50-261

cc: See next page

We have reviewed your 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 the submitted information 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.

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Sincerely,

/RA/

Sikhindra Mitra, Project Manager
License Renewal Section A
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Program
Office of Nuclear Reactor Regulation

Docket No.: 50-261

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DATE	7/24/2003	7/24/2003	7/24/2003	7/29/2003	7/30/2003

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ELECTRIC COMPANY'S TOPICAL REPORTS WCAP-15628 AND WCAP-15363, REVISION 1

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