

August 1, 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-15873 AND WCAP-  
15837 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE (TAC NO. MB5222)

Dear Mr. Sepp:

By Rochester Gas and Electric Corporation's letter dated June 3, 2003, and your affidavit dated May 29, 2003, you submitted proprietary versions of Topical Reports WCAP-15873, "A demonstration of applicability of ASME Code Case N-481 to the primary Loop Pump Casings of R. E. Ginna Nuclear Power Plant for the License Renewal Program," and WCAP-15837, "Technical Justification for Eliminating Large Primary Loop Pipe Rupture as the Structural Design Basis for the R. E. Ginna Nuclear Power Plant 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 reveals the distinguishing aspects of a process (or component, structure, tool, or method) where prevention of its use by any of Westinghouse competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- b) 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.
- c) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

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/**

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

Docket No.: 50-244

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/**

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

Docket No.: 50-244

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DATE	7/23/2003	7/23/2003	7/23/2003	8/1/2003	8/1/2003

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DISTRIBUTION: Withholding of Proprietary Version of Westinhouse Electric Company's  
Topical Reports WCAP-15873 and WCAP-15837, Dated: August 1, 2003

**Accession no.: ML032250102**

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OGC

R.E. Ginna Nuclear Power Plant

cc:

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