

November 15, 2005

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

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY, REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MB1365)

Dear Mr. Gresham:

By letter dated October 12, 2005, Westinghouse Electric Company submitted an affidavit dated October 12, 2005, executed by R. F. Maurer, Acting Manager, Regulatory Compliance and Plant Licensing, requesting that the information contained in the following presentation slides be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Discussion of the Westinghouse Small Break LOCA Methodology, October 13, 2005

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, 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 2.390 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 2.390(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 301-415-8439.

Sincerely,

/RA/  
Girija S. Shukla, Project Manager  
Special Projects Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

Project No. 700

cc: See next page

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 301-415-8439.

Sincerely,

/RA/  
Girija S. Shukla, Project Manager  
Special Projects Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

Project No. 700

cc: See next page

DISTRIBUTION:

PUBLIC  
PSPB Reading  
HBerkow  
DCollins  
RidsNrrLADBaxley  
RidsNrrPMGShukla  
JNakoski  
RidsAcrsAcnwMailCenter  
RidsOgcMailCenter

Accession Number: ML053190292

OFFICE	PM:PSPB	LA:PSPB	TechBranch	(A)BC:PSPB	DD:DPR
NAME	GShukla	DBaxley	JNakoski	DCollins	HBerkow
DATE	/ /2005	/ /2005	/ /2005	/ /2005	/ /2005

**OFFICIAL RECORD COPY**

E:\Filenet\ML053190292.wpd

Westinghouse Electric Company

Project No. 700

cc:

Mr. Gordon Bischoff, Manager  
Owners Group Program Management Office  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355