



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 16, 1997

Nicholas J. Liparulo, Manager
Regulatory and Engineering Networks
Westinghouse Electric Corporation
Mail Stop ECE 4-15
Post Office Box 355
Pittsburgh, Pennsylvania 15230-0355

Dear Mr. Liparulo:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,
WESTINGHOUSE LETTER OF OCTOBER 28, 1996

By your letter (NSD-NRC-96-4853) dated October 28, 1996, you submitted both proprietary and non-proprietary versions of the presentation handouts/slides that were presented at a meeting with the staff on October 29, 1996. The meeting was held to discuss the proposed licensing process for the RETRAN/VIPRE codes. In letter AW-96-1024, also dated October 28, 1996, you requested that the proprietary material be withheld from public disclosure in accordance with 10 CFR 2.790. This is the response to that request.

In your request, you stated that you considered certain information in the presentation material to be proprietary and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. The affidavit, executed by yourself on October 23, 1996, stated that the 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.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (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 carefully reviewed your October 28, 1996, letter and the material contained in your request. We have concluded that on the basis of your statements, the submitted information sought to be withheld contains trade

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Westinghouse

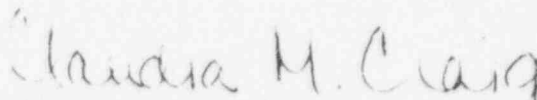
January 16, 1997

secrets or proprietary commercial information. 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 document. 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 should also 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 included your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,



Claudia M. Craig, Senior Project Manager
Generic Issues and Environmental
Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

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Claudia M. Craig, Senior Project Manager
Generic Issues and Environmental
Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

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CC:

Mr. Andrew P. Drake, Project Manager
Westinghouse Owners Group
Westinghouse Electric Corporation
Mail Stop ECE 5-16
Post Office Box 355
Pittsburgh, Pennsylvania 15230-0355

Mr. Hank A. Sepp
Westinghouse Electric Corporation
Mail Stop ECE 4-07A
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Pittsburgh, Pennsylvania 15230-0355



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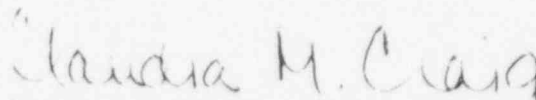
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Claudia M. Craig, Senior Project Manager
Generic Issues and Environmental
Projects Branch
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N. Liparulo

-2-

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