

April 3, 2000

Mr. Henry A. Sepp, Manager
Regulatory and Licensing Engineering
Nuclear Services Division
Westinghouse Electric Corporation
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(CAW-00-1381)

Dear Mr. Sepp:

By letter dated February 7, 2000, and affidavit dated February 2, 2000, executed by you, the Westinghouse Owners Group (WOG) submitted Chapter 6 of the ASIC licensing topical report entitled, "Fault Conditions Test Report Westinghouse ASIC-Based Replacement Module for 7300 Process Protection System," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version of the topical report will be submitted in its entirety once it is completed in May 2000, for placement in the public document room.

The affidavit stated that the submitted information could 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.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable."

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Westinghouse Owners Group statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, we have determined that the document entitled "Fault Conditions Test Report Westinghouse ASIC-Based Replacement Module for 7300 Process Protection System," 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) 415-1313.

Sincerely,

/RA/

Steven D. Bloom, Project Manager, Section 2
Project Directorate IV and Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 694

cc: Mr. Andrew Drake, Project Manager
Westinghouse Owners Group
Westinghouse Electric Corporation
Mail Stop ECE 5-16
P.O. Box 355
Pittsburgh, PA 15230-0355

Mr. Jack Bastin, Director
Regulatory Affairs
Westinghouse Electric Corporation
11921 Rockville Pike
Suite 107
Rockville, MD 20852

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cc: Mr. Andrew Drake, Project Manager
Westinghouse Owners Group
Westinghouse Electric Corporation
Mail Stop ECE 5-16
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