

November 29, 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  
(AW-00-1427)

Dear Mr. Sepp:

By letter dated October 17, 2000, and affidavit October 13, 2000, executed by you, Westinghouse submitted copies of the proprietary version of the presentation material that was presented at the Westinghouse/NRC meeting on updated fuel licensing criteria held on October 17, 2000, and requested that they be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version of the presentation material has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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.

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Westinghouse Electric Corporation 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 material presented at the October 17, 2000, meeting between Westinghouse and the NRC staff on updated fuel licensing criteria, 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) 415-1396.

Sincerely,

*/RA/*

L. Raynard Wharton, 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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