

April 25,2002

Mr. H. A. Sepp, Manager
Regulatory and Licensing Engineering
Westinghouse Electric Company
Box 355
Pittsburgh, PA 15230-0355

SUBJECT: SOUTH TEXAS PROJECT, UNITS 1 AND 2 - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE PER 10 CFR 2.790
CONCERNING 1.4 PERCENT POWER UPRATE (CAW-01-1466)
(TAC NOS. MB2899 AND MB2903)

Dear Mr. Sepp:

As part of the South Texas Project (STP) Nuclear Operating Company's license amendment request dated August 22, 2001 (NOC-AE-01001162), an affidavit dated June 21, 2001 (CAW-01-1466), executed by Mr. John S. Galembush was submitted. The affidavit addressed Westinghouse Electric Corp. (W) report WCAP-15633, Revision 0 (Proprietary), "Power Calorimetric for the 1.4% Uprating for the South Texas Project Nuclear Operating Company Units 1 and 2," dated June 2001, and requested that it be withheld from public disclosure. Nonproprietary version WCAP-15696, Revision 0 was submitted with NOC-AE-01001162, for placement in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room.

The affidavit furnished the following information pursuant to paragraph (b)(4) of Section 10 CFR 2.790 of the Commission's regulations, for consideration by the Commission in determining whether the information sought to be withheld from public disclosure be withheld.

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any W's competitors without license from W 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 2.790 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.

Mr. H. A. Sepp

-2-

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 301-415-1476.

Sincerely,

/RA/

Mohan C. Thadani, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

cc: See next page

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Mohan C. Thadani, Senior Project Manager, Section 1
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* See previous concurrence

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South Texas, Units 1 & 2

cc:

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February 2002

South Texas, Units 1 & 2

cc:

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South Texas Project Electric
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