

July 29, 2003

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(AW-03-1657) (TAC NO. MB0341)

Dear Mr. Sepp:

By letter dated June 16, 2003, Westinghouse Electric Company submitted an affidavit dated June 16, 2003, executed by Ian C. Rickard, requesting that the following presentation material for the NRC/Westinghouse meeting regarding the Westinghouse Semi-Annual Fuel Performance Update be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

"Westinghouse Presentation on Westinghouse Fuel Performance Update Meeting (Slide Presentation of June 17-18, 2003)"

Our letter of June 16, 2003, provided approval for withholding from public disclosure the draft presentation slides that were provided by your letter dated May 20, 2003.

A nonproprietary copy of the presentation material was provided for placement in the NRC's Public Document Room and for addition to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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.
- 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.

- e. It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

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 presentation material entitled, "Westinghouse Presentation on Westinghouse Fuel Performance Update Meeting (Slide Presentation of June 17-18, 2003)," 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) 415-3764.

Sincerely,

/RA/

Brian Benney, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 700

cc:
Mr. Gordon C. Bischoff, Manager
Owners Group Program Management Office
Westinghouse Owners Group
Westinghouse Electric Company
Mail Stop ECE 5-16
Pittsburgh, PA 15230-0355

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 Brian Benney, Project Manager, Section 2
 Project Directorate IV
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

Project No. 700

cc:
 Mr. Gordon C. Bischoff, Manager
 Owners Group Program Management Office
 Westinghouse Owners Group
 Westinghouse Electric Company
 Mail Stop ECE 5-16
 Pittsburgh, PA 15230-0355

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