

August 27, 2003

Mr. Ian C. Rickard
Licensing Project Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company
P.O. Box 500
Windsor, CT 06095-0500

SUBJECT: WESTINGHOUSE OWNERS GROUP – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (AW-03-1627A)

Dear Mr. Rickard:

By letter dated April 21, 2003, the Westinghouse Owners Group submitted an affidavit dated April 21, 2003, executed by Norton L. Shapiro (AW-03-1627). By letter dated August 8, 2003, Westinghouse submitted a revised affidavit, executed by you, requesting that information in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

WCAP-15830-P, Rev. 0, "Staggered Integrated ESF Testing"

A nonproprietary copy of the document was provided for placement in the Nuclear Regulatory Commission's (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:

- (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar advanced nuclear power plant designs and to provide licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

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, WCAP-15830-P, Rev. 0, "Staggered Integrated ESF Testing," 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) 415-1436.

Sincerely,

/RA/

Drew G. Holland, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 694

cc:

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

Mr. Gordon Bischoff
Manager, Owners Group Program Management Office
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

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*For previous concurrences see attached ORC
NRR-084

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