November 17, 2004

Mr. James A. Gresham, 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 (CAW-04-1804, CAW-04-1846, AND CAW-04-1881) (TAC NOS. MC0893 AND MC0894)

Dear Mr. Gresham:

By letters dated April 23, 2004, June 4, 1004, and August 30, 2004, Pacific Gas and Electric Company submitted affidavits dated March 19, 2004, and June 1, 2004, respectively, executed by you, and August 26, 2004, respectively, executed by J. S. Galembush, Supervisory Engineer, Regulatory Compliance and Plant Licensing, requesting that information in the three documents all entitled, "PG&E Response to NRC Request for Additional Information Regarding License Amendment Request 03-12, Revision to Technical Specifications 3.3.1, 'RTS Instrumentation,' and 3.3.2, 'ESFAS Instrumentation'," be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 2.390.

A nonproprietary copy of the documents was not 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 affidavits 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.

(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.

(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 applications and the material in accordance with the requirements of 10 CFR 2.390 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 information in the three documents entitled, "PG&E Response to NRC Request for Additional Information Regarding License Amendment Request 03-12, Revision to Technical Specifications 3.3.1, 'RTS Instrumentation,' and 3.3.2, 'ESFAS Instrumentation'," marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(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) 415-8439.

Sincerely,

/RA/

Girija Shukla, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

cc: See next page

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/RA/
Girija Shukla, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

cc: See next page

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cc:
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