

July 6, 2006

Mr. B. F. Maurer, Acting Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: DONALD C. COOK UNIT 2 - REQUEST FOR WITHHOLDING INFORMATION
REGARDING APPLICATION OF THE SPATIALLY CORRECTED INVERSE
COUNT RATE METHOD FROM PUBLIC DISCLOSURE (TAC NO. MC3065)

Dear Mr. Maurer:

By letter dated April 20 and affidavit dated April 21, 2006, you submitted a document entitled "SER Compliance with WCAP-16260-P-A, The Spatially Corrected Inverse Count Rate (SCICR) Method for Subcritical Reactivity Measurement." You requested that the portion of the submittal marked as proprietary be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. You provided a nonproprietary version of the same portion, which we have placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the proprietary portion of the document 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.
- (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 letter and the enclosed material in accordance with the requirements of 10 CFR 2.390, and on the basis of your statements, we have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the portion of the document which is marked as proprietary by Westinghouse 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 301-415-1451.

Sincerely,

/RA/

Peter S. Tam, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-316

cc: See next page

B. F. Maurer

- 2 -

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