



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

March 30, 1992

Withheld 6/11/92

Docket No. 50-390

Mr. R. P. DiPiazza, Manager
Nuclear Safety Licensing
Westinghouse Electric Corporation
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355

Dear Mr. DiPiazza:

SUBJECT; REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
WATTS BAR NUCLEAR PLANT, UNIT 1 (TAC M81063)

By letter dated February 26, 1992, the Tennessee Valley Authority submitted Westinghouse affidavit CAW 92-251 dated January 17, 1992, and Westinghouse Electric Corporation reports designated as WCAP-12374-Rev. 1 - Proprietary, and WCAP-12375-Rev. 1 - Non-Proprietary. Each of these reports is titled "Topical Report, Eagle 21, Microprocessor-Based Process Protection System". You requested that certain information contained in WCAP-12374 be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations, Part 2, Section 790 (10 CFR 2.790).

The above referenced affidavit asserted that the identified 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 licenses from Westinghouse constitutes a competitive economic advantage over other companies.
- (B) 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 based on the requirements and criteria of 10 CFR 2.790 and, on the basis of Westinghouse's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, Westinghouse Report WCAP-12374-Rev. 1, 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

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Mr. R. P. DiPiazza

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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 should also understand that the NRC may have cause to review this determination in the future, such as, 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.

Sincerely,

Original signed by

Peter S. Tam, Senior Project Manager
Project Directorate II/4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

OFC	PDII4/LA	PDII-4/PM	OGC	PDII-4/D
NAME	MSanders <i>MS</i>	PTam:as:dw <i>PT</i>	MPSiemien <i>MS</i>	FHebdon <i>F</i>
DATE	3/29/92	3/23/92	3/27/92	3/30/92

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