

April 17, 2013

J. A. Gresham, Manager  
Regulatory Compliance  
Westinghouse Electric Company  
1000 Westinghouse Drive, Suite 428  
Cranberry Township, PA 16066

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
OF WESTINGHOUSE ELECTRIC COMPANY TOPICAL REPORT  
WCAP-16096-P-A, REVISION 4" SOFTWARE PROGRAM MANUAL FOR  
COMMON Q SYSTEMS" (TAC NO. MF0899/WESTINGHOUSE  
REFERENCE AW-1 3-3630)

Dear Mr. Gresham:

By letter dated February 28, 2013 (Agencywide Documents Access and Management System Accession No. ML13081A042), you submitted an affidavit executed by C. M. Molnar on February 28, 2013, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

WCAP-16096-P-A, Revision 4, "Software Program Manual For Common Q Systems"

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS and is available at Accession No. ML13081A047.

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. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

(iii) The information was transmitted to the NRC was done so in confidence and, under the provisions of 10 CFR Section 2.390, it is to be handled in confidence by the Commission.

(iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information 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 301-415-7297.

Sincerely,

*/RA/*

Joseph J. Holonich, Sr. Project Manager  
Licensing Processes Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

Project No. 780

(iii) The information was transmitted to the NRC was done so in confidence and, under the provisions of 10 CFR Section 2.390, it is to be handled in confidence by the Commission.

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**NRR-106**

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