

August 30, 2013

James Gresham  
Westinghouse Electric Company  
1000 Westinghouse Drive  
CWHQ-3 Suite 310  
Cranberry Township, PA 16066

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE OF SUBMITTAL OF "COMMENTS ON DRAFT SAFETY EVALUATION FOR 6002-00301, REVISION 4, 'ADVANCED LOGIC SYSTEM TOPICAL REPORT,' (PROJECT NO. 779/TAC NO. ME4454)" (WESTINGHOUSE REFERENCE AW-13-3769)

Dear Mr. Gresham:

By letter dated July 30, 2013 (Agencywide Documents Access and Management System Accession No. ML13221A173), Westinghouse Electric Company (Westinghouse) submitted an affidavit executed by Charles M. Molnar, Principal Engineer, Regulatory Compliance, dated July 30, 2013. The affidavit requested that the information in the draft safety evaluation (SE) identified by Westinghouse as proprietary and the table containing the Westinghouse comments on the draft SE subject be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

In the July 30, 2013, letter Westinghouse stated that it did not plan to submit nonproprietary versions of the documents listed in the enclosure. The reason given for this was that the submitted documents were working documents that will be used in the on-going process of producing a non-proprietary SE for public dissemination. The non-proprietary content will be included in the final versions of the SE that will be available to the public.

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 Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received 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. 779

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**ADAMS Accession No.: ML13224A320** \*concurred via e-mail **NRR-106**

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NAME	JHolonich	DHarrison	JThorp	AMendiola	JHolonich
DATE	08/30/2013	08/15/2013	08/30/2013	09/03/2013	08/30/2013