



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

August 3, 1990

5/14/90
8/24/90

Docket No. 50-316

Mr. R. A. Wieseemann, Manager
Regulatory and Legislative Affairs
Westinghouse Electric Corporation
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355

Dear Mr. Wieseemann:

SUBJECT: D. C. COOK, UNIT NO. 2 - REQUEST FOR WITHHOLDING INFORMATION FROM
PUBLIC DISCLOSURE, CAW-90-037 (TAC NO. 75936)

withheldly (source) in re. sec 50-315

By your application and affidavit dated May 14, 1990, you submitted WCAP-12576 entitled, "Westinghouse Revised Thermal Design Procedure Instrument Uncertainty Methodology For American Electric Power D.C. Cook Unit 2 Nuclear Power Station (Proprietary)" and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790.

You stated that the submitted 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 license from Westinghouse constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage; e.g., by optimization or improved marketability.
- (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.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.
- (g) It is not property of Westinghouse, but must be treated as proprietary by Westinghouse according to agreements with the owner.

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Mr. Milton Alexich
Indiana Michigan Power Company

Donald C. Cook Nuclear Plant

cc:
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U.S. Nuclear Regulatory Commission
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Glen Ellyn, Illinois 60137

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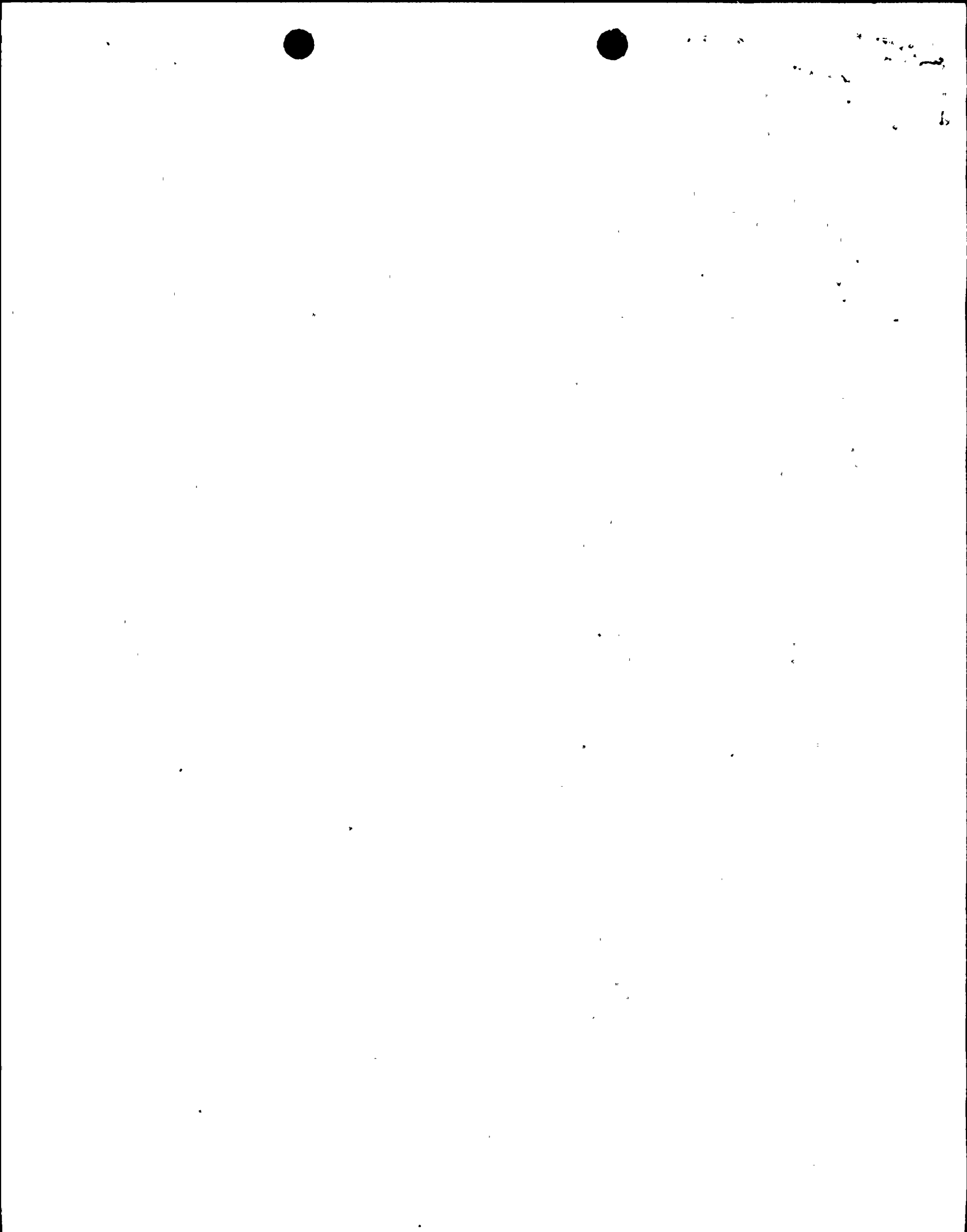
U.S. Nuclear Regulatory Commission
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7700 Red Arrow Highway
Stevensville, Michigan 49127

Gerald Charnoff, Esquire
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2300 N Street, N.W.
Washington, DC 20037

Mayor, City of Bridgman
Post Office Box 366
Bridgman, Michigan 49106

Special Assistant to the Governor
Room 1 - State Capitol
Lansing, Michigan 48909

Nuclear Facilities and Environmental
Monitoring Section Office
Division of Radiological Health
Department of Public Health
3500 N. Logan Street
Post Office Box 30035
Lansing, Michigan 48909



We have reviewed your application and the material in accordance with the requirements 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, the version of the submitted information 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 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.

Sincerely,

~~Original~~ signed by

Timothy Colburn, Project Manager
Project Directorate III-1
Division of Reactor Projects III,
IV, V & Special Projects
Office of Nuclear Reactor Regulation

cc: See next page

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(A) *R*
RPIERSON
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OGC *CMH*
C.M. HOLZIE
8/1/90



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