



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

December 17, 1990

Docket No. 50-348

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

Dear Mr. Wieseemann:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

By application dated August 22, 1990, and affidavit dated August 23, 1990, you submitted WCAP 12675, "Median Signal Selector for Westinghouse 7300 Series Process Instrumentation - Application to Westinghouse Three Loop Plants Employing the RTD Bypass Elimination Alabama Power Company-Joseph M. Farley Unit 1," (CAW-90-067) and by application dated October 15, 1990, and affidavit dated October 16, 1990, you submitted WCAP 12613, Revision 1, "RTD Bypass Elimination Licensing Report for Joseph M. Farley Nuclear Plant Units 1 and 2," (CAW-90-078) and requested that they 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 use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- (b) It is information which is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by a competitor would put Westinghouse at a competitive disadvantage by reducing their expenditure of resources at Westinghouse's expense.

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- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.
- (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
- (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (g) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and on the basis of Westinghouse Electric Corporation's statements have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, the two documents whose names are listed above and 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 the public inspection should change in the future so 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 the public disclosure.

Sincerely,

Original signed by:

Stephen T. Hoffman, Project Manager
Project Directorate II-1
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation

cc: See next page

OFC	:LA:NRR:DRP:PD21:PM:NRR:DRP:PD21:OGC	:D:NRR:DRP:PD21:	:
NAME	:PAnderson	:SHoffman	:CHolzle
DATE	:12/10/90	:12/10/90	:12/13/90

OFFICIAL RECORD COPY
Document Name: FARLEY PROPRIETARY RTD

Mr. R. A. Wiesemann
Westinghouse Electric Corporation

Joseph M. Farley Nuclear Plant

cc:

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Executive Vice President
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