

MAR 10 1983

Docket Nos. 50-413
50-414

Mr. H. B. Tucker, Vice President
Nuclear Production Department
Duke Power Company
422 South Church Street
Charlotte, North Carolina 28242

Dear Mr. Tucker:

Subject: Request for Withholding Information from Public Disclosure

By your application and affidavit dated January 19, 1983, you submitted a supplemental response to NRC Question 492.2 on Improved Thermal Design Procedures for Catawba Units 1 and 2 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: (1) The information is owned and has been held in confidence by Westinghouse; (2) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public; (3) The information is not available in public sources; (4) The information is of significant commercial value; and (5) Public disclosure of this information would cause substantial harm to the competitive position of Westinghouse because competitors could utilize this information to assess and justify their own designs without commensurate expense.

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.

It is our belief, pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended, that, at this time, the right of the public to be fully apprised of the submitted information does not outweigh the need to protect Westinghouse's competitive position.

Accordingly, we have determined that the information should be withheld from public disclosure.

We therefore approve your request for withholding pursuant to 10 CFR 2.790 and are withholding the supplemental response to NRC Question 492.2 (CAW-83-5) from public inspection as proprietary.

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A PDR

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DATE

Mr. H. B. Tucker

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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, insure 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 needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

Elinor G. Adensam, Chief
Licensing Branch No. 4
Division of Licensing

cc: See next page

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CATAWBA

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