

50-454/456



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 7, 1995

Mr. Nicholas J. Liparulo  
Manager of Nuclear Safety and  
Regulatory Activities  
Westinghouse Electric Corporation  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(CAW-95-826)

Dear Mr. Liparulo:

By letter dated July 31, 1995, Commonwealth Edison Company (ComEd) submitted the Westinghouse report, "Slide Presentation Material NRC Meeting of February 23, 1995 Alternate Plugging Criteria with Tube Expansion for the Braidwood 1 and Byron 1 Model D4 Steam Generators," WCAP-14343 (Proprietary), April 1995 and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. Non-proprietary version WCAP-14344 was also included in the submittal.

An affidavit executed by Henry A. Sepp dated May 18, 1995, and a letter from Westinghouse, the owner of the information, was included in the submittal. Westinghouse 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.
- "(e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse."

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N. Liparulo

Byron/Braidwood Power Stations

cc:

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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, we have determined that the document entitled, "Slide Presentation Material NRC Meeting of February 23, 1995 Alternate Plugging Criteria with Tube Expansion for the Braidwood 1 and Byron 1 Model D4 Steam Generators," WCAP-14343 (Proprietary), April 1995, 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 should also 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

M. David Lynch, Project Manager  
 Project Directorate III-2  
 Division of Reactor Projects III/IV  
 Office of Nuclear Reactor Regulation

Docket Nos. STN 50-454, STN 50-456

cc: see next page

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