



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

March 23, 1992

Docket No. 50-446

Mr. R. P. DiPiazza, Manager
Nuclear Safety Licensing
Westinghouse Electric Corporation
P. O. Box 355
Pittsburgh, Pennsylvania 15230-0355

Dear Mr. DiPiazza:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(CAW-91-248)

By letter dated February 14, 1992, TU Electric submitted the Westinghouse report, "Technical Justification for Eliminating Residual Heat Removal Lines Rupture as the Structural Design Basis for Comanche Peak Nuclear Plant - Unit 2" (WCAP-13165) and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790.

A letter dated December 17, 1991, and an affidavit dated December 12, 1991, from Westinghouse, the owner of the information, was included in the application. 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.
- "(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."

We have reviewed the submittal 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.

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Therefore, we have determined that the document entitled "Technical Justification for Eliminating Residual Heat Removal Lines Rupture as the Structural Design Basis for Comanche Peak Nuclear Plant - Unit 2," 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 document. 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 needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

Original Signed By

Suzanne C. Black, Director
Project Directorate IV-2
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation

cc: See next page

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March 23, 1992

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