



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

*for re  
TDLA*

JAN 22 1979

Docket Nos. 50-338  
and 50-339

Mr. R. A. Wiesemann, Manager  
Regulatory and Legislative Affairs  
Westinghouse Electric Corporation  
Box 355  
Pittsburgh, Pennsylvania 15230

Gentlemen:

SUBJECT: WITHHOLDING FROM PUBLIC DISCLOSURE - CAW-78-63

By your application CAW-78-63, dated August 14, 1978, and cover letter from Virginia Electric and Power Company, dated August 22, 1978, you submitted Barton transmitter qualification test results and requested that they be withheld from public disclosure pursuant to 10 CFR 2.790.

Attached to your letter, dated August 14, 1978, was affidavit AW-76-39, dated September 3, 1976, which you stated is applicable to the qualification testing of Barton transmitters. Affidavit AW-76-39 submitted to justify previous material on the North Anna Nuclear Power Station Unit 1 docket was approved by the Commission for withholding from public disclosure on April 15, 1977.

Your reasons for requesting our withholding the Barton transmitter test results were that public disclosure of the information could cause substantial harm to your competitive position. Public disclosure would enable others having the same or similar equipment to use the information developed at Westinghouse expense to meet NRC requirements for licensing documentation without purchasing the right to use the information. The development of Westinghouse equipment qualification programs and thermal environmental qualification curves verifies the design of equipment sold to customers. This information was developed at considerable expense and is not available in public sources. Release of this information to the public would substantially jeopardize the competitive status of Westinghouse.

We have reviewed your application and material based on the requirements and criteria of 10 CFR 2.790 and have determined that the above-mentioned document sought to be withheld contains trade secrets or proprietary commercial information.

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Mr. R. A. Wieseemann, Manager

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We also have found at this time that the right of the public to be fully apprised as to the bases for and effects of the proposed action does not outweigh the demonstrated concern for protection of your competitive position. Accordingly, we have determined that the information should be withheld from public disclosure.

We therefore approve your request for withholding pursuant to Section 2.700 of 10 CFR Part 2 and are withholding the Barton transmitter qualification test results from public inspection as proprietary.

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, assure that the consultants have signed the appropriate agreements for handling proprietary data.

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.

Sincerely,

*Olan D. Parr*

Olan D. Parr, Chief  
Light Water Reactors Branch No. 3  
Division of Project Management

cc: See next page

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Mr. W. L. Proffitt  
Senior Vice President - Power  
Operations  
Virginia Electric & Power Company  
P. O. Box 26665  
Richmond, Virginia 23261

cc: Mrs. James C. Arnold  
P. O. Box 3951  
Charlottesville, Virginia 22903

Mr. Anthony C. Caranella  
Office of the Attorney General  
11 South 12th Street - Room 3004  
Richmond, Virginia 23219

Richard M. Lester, Esq.  
211 Stribling Avenue  
Charlottesville, Virginia 22903

Michael W. Maupin, Esq.  
Hunton, Williams, Gay & Gibson  
P. O. Box 1535  
Richmond, Virginia 23212

Mrs. June Allen  
412 Owens Drive  
Huntsville, Alabama 35801

Mr. James Torson  
501 Leroy  
Socorro, New Mexico 87801

Mrs. Margaret Dietrich  
Route 2, Box 568  
Gordonsville, Virginia 22942

William H. Rodgers, Jr., Esq.  
Georgetown University Law Center  
600 New Jersey Avenue, N.W.  
Washington, D. C. 20001

Mr. Peter S. Hepp  
Executive Vice President  
Sun Shipping & Dry Dock Company  
P. O. Box 540  
Chester, Pennsylvania 19013

Mr. R. B. Briggs  
Associate Director  
110 Evans Lane  
Oak Ridge, Tennessee 37850

John W. Pappas, Esq.  
Senior Counsel  
1225 South 1st Street  
Charlottesville, Virginia 22902

Mr. James C. Dunstan  
State Corporation Commission  
Commonwealth of Virginia  
Elandon Building  
Richmond, Virginia 23209

Alan S. Rosenthal, Esq.  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Michael C. Ferrar, Esq.  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dr. John H. Buck  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555



Mr. W. L. Proffitt

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cc: Mr. Michael S. Field  
U. S. Nuclear Regulatory Commission  
P. O. Box 128  
Spotsylvania, Virginia 22553  
P. O. Box 128

Dr. Paul W. Bunde  
Department of Civil Engineering  
Drexel University  
Philadelphia, Pennsylvania 19104  
32nd & Chestnut Streets  
Oak Ridge, Tennessee 37831