

50-498/499



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 24, 1999

Mr. H. A. Sepp  
Manager of Regulatory and  
Licensing Engineering  
Westinghouse Electric Company  
P. O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE, SOUTH TEXAS PROJECT, UNITS 1 AND 2 (STP) (TAC NOS.  
MA1472 AND MA1473)

Dear Mr. Sepp:

By your application (CAW-99-1320) dated February 2, 1999, and your affidavit dated February 2, 1999, you submitted "Response to Request for Additional Information on New Fuel Design" (proprietary) and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was submitted for placement in the Nuclear Regulatory Commission's (NRC's) public document room. Your application was an enclosure to a letter dated February 4, 1999, from STP Nuclear Operating Company regarding "Response to Request for Additional Information on New Fuel Design."

The affidavit 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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

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PDR ADOCK 05000498  
P PDR

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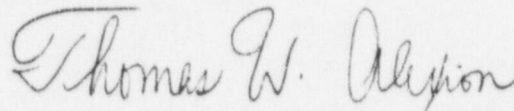
Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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 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 any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1326.

Sincerely,

A handwritten signature in cursive script that reads "Thomas W. Alexion".

Thomas W. Alexion, Project Manager  
Project Directorate IV-1  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

cc: See next page

H. A. Sepp

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Sincerely,

**ORIGINAL SIGNED BY:**

Thomas W. Alexion, Project Manager  
Project Directorate IV-1  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

cc: See next page

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STP Nuclear Operating Company

South Texas, Units 1 & 2

cc:

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