

May 29, 2003

MEMORANDUM TO: Marsha Gamberoni, Deputy Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

FROM: Leslie C. Fields, Project Manager /RA/
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

SUBJECT: RATIONALE FOR CLOSING MAY 29, 2003, MEETING WITH
WESTINGHOUSE REGARDING AP1000 THERMAL-HYDRAULIC
ISSUES

On April 11, 2003, Westinghouse Electric Company (Westinghouse) requested that U.S. Nuclear Regulatory Commission (NRC) hold a meeting to discuss liquid entrainment issues based on NRC's Request for Additional Information (RAI) dated March 18, 2003. (ADAMS Accession No. ML030720132). In the attached letter, dated May 14, 2003, (ADAMS Accession No. ML031360016), Westinghouse requested that this meeting be closed to the public because the information to be discussed at this meeting is proprietary to Westinghouse and is customarily held in confidence. In the letter Westinghouse explains that a large portion of these discussions will involve the proprietary slides cited below that were presented to the Advisory Committee on Reactor Safeguards (ACRS) in a meeting held on March 19, and 20, 2003. In addition, Westinghouse requested that five agenda topics related to AP1000 thermal-hydraulic issues be presented at the liquid entrainment meeting which include the following: (1) APEX-1000 test results; (2) AP1000 post-loss-of-coolant accident (LOCA) level calculations; (3) AP1000 WCOBRA/TRAC; (4) Westinghouse calculations of post-LOCA; and (5) Comparison of RELAP analysis and Westinghouse NOTRUMP. Westinghouse plans to use the proprietary slides, mentioned above, as the draft slides for the meeting and has agreed to submit, under separate cover, any additional slides, prior to the meeting, as the final version of the draft slides.

By affidavit dated March 17, 2003, Mr. James Winters of Westinghouse submitted proprietary slides, entitled "Westinghouse Proprietary Slides to be Presented at the ACRS Thermal Hydraulic Subcommittee Meeting" (AW-03-1610) and requested that it be withheld as containing proprietary information. By letter dated May 1, 2003 (ADAMS Accession No. ML031040393), the NRC responded and agreed that the portions of the document to be withheld as proprietary information does, in fact, contain proprietary information. The determination provided is, in fact, proprietary. Based on this determination, the subject proprietary slides cited for the May 29, 2003, meeting should be considered exempt from mandatory public disclosure.

With respect to the agenda topics, I have reviewed MD 3.5, "Public Attendance at Certain Meetings involving the NRC Staff," the Commission's Policy Statement on "Enhancing Public Participation in NRC Meetings," 67 Federal Register 36920, May 28, 2002, NRR Office

Instruction LIC-204, and discussed legal issues with the Office of General Counsel. As a result, I plan to conduct the subject meeting as follows:

Announce and conduct a Category 1 closed public meeting with Westinghouse personnel on May 29, 2003, at NRC Headquarters in which the staff would review the aforementioned documents and discuss details with Westinghouse for the purpose of clarifying issues raised in the RAI's and Westinghouse's responses.

The documents that are planned to be the focus of the discussions to be held on May 29, 2003, are similar to the material presented in the examples of meetings which are typically closed to the public that are cited in MD 3.5. Therefore, all the documents that are planned to be the focus of the discussions on May 29, 2003, appear to be proprietary in nature and therefore probably would be withheld from public disclosure if they were submitted to the NRC.

Based on the above determinations there will be a public meeting held on May 29, 2003, with portions of this meeting closed to the public due to the discussion of material that is proprietary in nature.

Attachment: As stated

Docket No. 52-006

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