

November 4, 2003

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(AW-03-1637) FOR THE INTERNATIONAL REACTOR INNOVATIVE
AND SECURE (IRIS) SCALING ANALYSIS, PART I, WCAP-16103

Dear Mr. Sepp:

By application dated May 13, 2003 (AW-03-1637), and associated affidavit executed on the same date by Mr. Ian C. Rickard of Westinghouse Electric Company (Westinghouse), Mr. Charles Kling of Westinghouse submitted proprietary and nonproprietary versions of WCAP-16103 entitled, "IRIS Scaling Analysis, Part I." Mr. Kling requested that portions of this document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.790 (10 CFR 2.790).

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession No. ML031550606).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (1) 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 advantage over other companies; and
- (2) use of the information 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 letter and affidavit 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. 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 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 makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions or comments concerning this matter, I may be reached at (301) 415-1186, or lcfc@nrc.gov.

Sincerely,

/RA/

Leslie C. Fields, Project Manager
New Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Program
Office of Nuclear Reactor Regulation

Project No. 726

cc: See next page

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Leslie C. Fields, Project Manager
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IRIS

cc: Mr. Charles Brinkman
Westinghouse Electric Co.
12300 Twinbrook Parkway
Suite 330
Rockville, MD 20852

Mr. David Lochbaum
Union of Concerned Scientists
1707 H Street, NW
Washington, DC 20006-3919

Dr. Gail Marcus
U.S. Department of Energy
Office of Nuclear Energy, Science and
Technology
NE-1, Room 5A-143
1000 Independence Avenue, SW
Washington, DC 20585

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. Ron Simard
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. James Riccio
Greenpeace
702 H Street, NW, Suite 300
Washington, DC 20001

Mr. Gary Wright, Manager
Office of Nuclear Facility Safety
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704

Mr. Mario D. Carelli
Westinghouse Electric Company
Science and Technology Department,
401 Building
1344 Beulah Road
Pittsburgh, Pennsylvania 15235-5083

Ms. Patricia Campbell
Winston & Strawn
1400 L Street, NW
Washington, DC 20005

Mr. Vince Langman
Licensing Manager
Atomic Energy of Canada Limited
2251 Speakman Drive
Mississauga, Ontario
Canada L5K 1B2

Mr. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Mr. Jack W. Roe
SCIENTECH, INC.
910 Clopper Road
Gaithersburg, MD 20878

Mr. Thomas P. Miller
U.S. Department of Energy
NE-20, Rm. A286
Headquarters-Germantown
19901 Germantown Road
Germantown, MD 20874-1290

Mr. David Ritter
Research Associate on Nuclear
Energy
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Tom Clements
6703 Gude Avenue
Takoma Park, MD 20912

Mr. Ed Rodwell, Manager
PWR Design Certification
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94304-1395

Mr. James F. Mallay, Director
Regulatory Affairs
FRAMATOME, ANP
3315 Old Forest Road
Lynchburg, VA 24501

Mr. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa