

January 7, 2005

James A. Gresham  
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  
FOR WCAP-16318-P, "IRIS SMALL BREAK LOCA PHENOMENA  
IDENTIFICATION AND RANKING TABLE (PIRT)" (AW-04-1878)

Dear Mr. Gresham:

By letter dated September 3, 2004, and associated affidavit executed on August 17, 2004, by Ian C. Rickard, Charles L. Kling indicated that information contained in WCAP-16318P, "IRIS Small Break LOCA Phenomena Identification and Ranking Table (PIRT)," should be withheld as proprietary. He requested that this information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.390 (10 CFR 2.390).

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. ML042930115).

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.
- (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 letter and affidavit in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the 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 2.390(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 regarding this matter, I may be reached at 301-415-3482.

Sincerely,

*/RA/*

Dariusz Szwarc, IRIS Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Project No. 726

cc: See next page

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DATE	01/5/05	01/7/05	01/7/05

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IRIS

cc:

Dr. Charles L. Kling  
Licensing Manager  
IRIS Project  
Westinghouse Electric Company  
Science and Technology Department  
20 International Drive  
Windsor, CT 06095

Mr. Ian C. Rickard  
Westinghouse Electric Company  
Nuclear Services  
20 International Drive  
Windsor, CT 06095

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

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

Mr. Adrian Heymer  
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. Glenn H. Archinoff  
5275 Westview Drive  
ACR Suite  
Frederick, MD. 21703-8306

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

Dr. Jack W. Roe  
Vice President  
Advanced Technologies & Laboratories  
International, Inc.  
20010 Century Boulevard, Suite 500  
Germantown, MD 20874

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

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

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

E-Mail:  
jerald.holm@framatome-anp.com