

52-003



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

October 2, 1995

Mr. Nicholas J. Liparulo
Nuclear Safety and Regulatory Activities
Westinghouse Electric Corporation
P.O. Box 355
Pittsburgh, Pennsylvania 15230

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR
WESTINGHOUSE AP600 DESIGN LETTER OF SEPTEMBER 1, 1995

Dear Mr. Liparulo:

By Westinghouse letter NTD-NRC-95-4530, dated September 1, 1995, you submitted preliminary report LTCT-GSR-003, "WCOBRA/TRAC OSU LONG TERM COOLING PRELIMINARY VALIDATION REPORT", dated August 1995.

In the letter, you stated that the information in this report was considered proprietary and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. You also stated that with the publication of the final report, a non-proprietary version of the final report will be prepared.

The attached affidavit executed September 1, 1995 (AW-95-872), by Brian A. McIntyre of Westinghouse stated that this information should be considered exempt from mandatory public disclosure for several reasons including the following:

- 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 submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Westinghouse's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information. The fact that the entire report is classified proprietary is not being questioned at this time because, as you stated in your letter, the report is preliminary and the final report will be submitted with a non-proprietary version.

9510050064 951002
PDR ADOCK 05200003
A PDR

NRC FILE CENTER COPY

D03 1/0

Therefore, we have determined that the report enclosed in NTD-NRC-95-4530, which is 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 disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the Nuclear Regulatory Commission (NRC). You should also understand that NRC may have cause to review this determination in the future if, for example, the scope of a Freedom of Information Act request included your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

original signed by:

William C. Huffman, Project Manager
Standardization Project Directorate
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

Docket No. 52-003

cc: See next page

DISTRIBUTION:

Docket File
PUBLIC
RArchitzel
DJackson
MSiemien, OGC
TCollins, O-8 E23

PDST R/F
BGrimes
TKenyon
JMoore, O-15 B18
ACRS (11)
DCrutchfield
TQuay
WHuffman
WDean, EDO
EJordan, T-4 D18

DOCUMENT NAME: A: PRPRITRY.005

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

| | | | | |
|--------|--------------|--------------|--------------|----------|
| OFFICE | PM:PDST:ADAR | SC:PDST:ADAR | SC:SRXB:DSSA | OGC |
| NAME | WHuffmantso | RArchitzel | TCollins | MSiemien |
| DATE | 09/27/95 | 09/27/95 | 09/27/95 | 09/2/95 |

Mr. Nicholas J. Liparulo
Westinghouse Electric Corporation

Docket No. 52-003
AP600

cc: Mr. B. A. McIntyre
Advanced Plant Safety & Licensing
Westinghouse Electric Corporation
Energy Systems Business Unit
P.O. Box 355
Pittsburgh, PA 15230

Mr. Ronald Simard, Director
Advanced Reactor Programs
Nuclear Energy Institute
1776 Eye Street, N.W.
Suite 300
Washington, DC 20006-3706

Mr. John C. Butler
Advanced Plant Safety & Licensing
Westinghouse Electric Corporation
Energy Systems Business Unit
Box 355
Pittsburgh, PA 15230

STS, Inc.
Attn: Lynn Connor
Suite 610
3 Metro Center
Bethesda, MD 20814

Mr. M. D. Beaumont
Nuclear and Advanced Technology Division
Westinghouse Electric Corporation
One Montrose Metro
11921 Rockville Pike
Suite 350
Rockville, MD 20852

Mr. James E. Quinn, Projects Manager
LMR and SBWR Programs
GE Nuclear Energy
175 Curtner Avenue, M/C 165
San Jose, CA 95125

Mr. Sterling Franks
U.S. Department of Energy
NE-42
Washington, DC 20585

Mr. John E. Leatherman, Manager
SBWR Design Certification
GE Nuclear Energy, M/C 781
San Jose, CA 95125

Mr. S. M. Modro
EG&G Idaho Inc.
Post Office Box 1625
Idaho Falls, ID 83415

Barton Z. Cowan, Esq.
Eckert Seamans Cherin & Mellott
600 Grant Street 42nd Floor
Pittsburgh, PA 15219

Mr. Frank A. Ross
U.S. Department of Energy, NE-42
Office of LWR Safety and Technology
19901 Germantown Road
Germantown, MD 20874

Mr. Ed Rodwell, Manager
PWR Design Certification
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94303

Mr. Charles Thompson, Nuclear Engineer
AP600 Certification
U.S. Department of Energy
NE-451
Washington, DC 20585