

52-003



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 28, 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 JULY 10, 1995

Dear Mr. Liparulo:

By Westinghouse letter NTD-NRC-95-4504, dated July 10, 1995, you submitted proposed draft markups of standard safety analysis report Sections 6.2 and 6.4 concerning AP600 containment systems and habitability systems. In the letter, you stated that certain information contained within the drafts was considered proprietary and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. In addition, a proprietary information notice included with the letter stated that the specific material designated as proprietary would be bracketed and reference the justification for the proprietary classification.

The attached affidavit dated July 11, 1995, (AW-95-860), executed by Brian A. McIntyre of Westinghouse stated that this 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.

We have reviewed your submittal and the attached material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Westinghouse's statements, have determined that the affidavit has provided an insufficient basis for withholding the draft documents from public disclosure. None of the draft material is bracketed to indicate specifically what Westinghouse believes to contain proprietary information. The only material explicitly identified as proprietary is the main control room habitability P&ID (Figure 6.4-2). Per the Nuclear Regulatory Commission (NRC) proprietary evaluation dated August 23, 1995, the staff has already concluded that this figure is not proprietary.

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Mr. Nicholas J. Liparulo

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We have determined that no portion of the draft documents enclosed in NTD-NRC-95-4504 is proprietary. We intend to place the subject draft documents in the NRC Public Document Room in 30 days from your receipt of this letter, in accordance with 10 CFR 2.790(c). If you wish to withdraw these documents you may do so within the 30 day time period, pursuant to 10 CFR 2.790(c).

Sincerely,

original signed by:

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

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cc: See next page

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Docket No. 52-003
AP600

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