



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 3, 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 AUGUST 18, 1995

Dear Mr. Liparulo:

By Westinghouse letter NTD-NRC-95-4534, dated August 18, 1995, you submitted the AP600 Core Makeup Tank Level Instrument Test Data and Evaluation Report, WCAP-14442.

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 a non-proprietary version of this report will be submitted within 90 days.

The attached affidavit executed August 22, 1995 (AW-95-875), 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.
- 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. Per the proprietary information notice attached to the report, only the information contained within brackets is considered proprietary. You stated in your letter that a non-proprietary version of this report will be submitted within 90 days. If in preparing your non-proprietary version of this report, you determine that

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A PDR

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Mr. Nicholas J. Liparulo
Westinghouse Electric Corporation

Docket No. 52-003
AP600

cc: Mr. B. A. McIntyre
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Mr. Charles Thompson, Nuclear Engineer
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Washington, DC 20585

additional information, which was not bracketed in this proprietary report, must be withheld as proprietary, you should clearly identify such information and submit another affidavit on the determination.

Therefore, we have determined that the report enclosed in NTD-NRC-95-4534, 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

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*See previous concurrence

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