

52-003



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 6, 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 7, 1995

Dear Mr. Liparulo:

By Westinghouse letter NTD-NRC-95-4501, dated July 7, 1995, you submitted preliminary report PXS-GSR-002, "NOTRUMP PRELIMINARY VALIDATION REPORT FOR SPES-2 TESTS", dated July 1995. This report compares the prediction of the NOTRUMP computer analysis code with a select number of full-height and full-pressure SPES-2 tests which simulate the passive emergency core cooling system for the AP600.

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 the information in this report was preliminary and that with the publication of a final report, a non-proprietary version will be prepared.

The attached affidavit executed by Robert J. Sterdis of Westinghouse on July 7, 1995, (AW-95-857), 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.

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.

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Therefore, we have determined that the report enclosed in NTD-NRC-95-4501, 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

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cc: See next page

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Mr. Nicholas J. Liparulo
Westinghouse Electric Corporation

Docket No. 52-003
AP600

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