



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 11, 1996

52-003

Mr. Brian A. McIntyre, Manager
Advanced Plant Safety and Licensing
Westinghouse Electric Corporation
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR
WESTINGHOUSE AP600 DESIGN LETTER OF DECEMBER 11, 1995

Dear Mr. McIntyre:

By Westinghouse letter (NTD-NRC-95-4609) dated December 11, 1995, you submitted Westinghouse presentation material (Sections F and G) from the December 6 and 7, 1995 meeting. In the letter, you stated that the presentation material contains proprietary information consisting of trade secrets, commercial information, or financial information which was privileged or confidential. You requested that it be withheld from public disclosure in accordance with 10 CFR 2.790. You also submitted a non-proprietary version of the material for placement in the Nuclear Regulatory Commission (NRC) Public Document Room.

In an attached letter also dated December 11, 1995 (AW-95-912), you provided an affidavit dated December 12, 1995, executed by you. The affidavit stated and the material identified, designated information owned and held in confidence by Westinghouse which 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, of licensing a similar product.

We have reviewed your request and the information contained in the presentation 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.

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January 11, 1996

Therefore, we have determined that the proprietary information enclosed in NTD-NRC-95-4609, 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 NRC. You should 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 withheld 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.

Sincerely,

original signed by:

Diane T. Jackson, 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. Brian A. McIntyre
Westinghouse Electric Corporation

Docket No. 52-003
AP600

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