

62-003



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 22, 1996

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 MAY 15, 1995

Dear Mr. Liparulo:

By Westinghouse letter (NTD-NRC-95-4463) dated May 15, 1995, you submitted Westinghouse Report PCS-T2R-050, "Large-Scale Test Data Evaluation, May 1995." In the letter, you stated that the report 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 report for placement in the Nuclear Regulatory Commission (NRC) Public Document Room.

In an attached letter also dated May 15, 1995 (AW-95-824), you provided an affidavit dated May 18, 1995, executed by Brain McIntyre of Westinghouse. The affidavit stated and the report 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 carefully reviewed your request and the information contained in the Large-Scale Test Data Evaluation report. We have concluded that the material contained in your submittal may be withheld in accordance with 10 CFR 2.790 with the exception of Figure 1-3, "Large-Scale PCS Instrumentation Elevations" located on p. 1-8. This figure is available to the public through other

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Westinghouse reports, including the WGOTHIC Code Description and Validation report (WCAP-14382), and therefore in accordance with 10 CFR 2.790(4)(iv) should not be withheld from public disclosure.

In accordance with 10 CFR 2.790(c), this information you have sought to be withheld will be placed in the NRC Public Document Room 30 days from the date of this letter unless you either withdraw the above information, or submit additional justification not to disclose the information. If you request that the information be withdrawn, you may do so within the 30 day time period, pursuant to 10 CFR Section 2.790(c).

We have determined that the remaining information in the enclosure designated as proprietary does contain trade secrets or proprietary commercial information. We have determined that this information, 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

Docket No. 52-003

cc: See next page

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DOCUMENT NAME: A: LSTDATA

*See previous concurrence

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Mr. Nicholas J. Liparulo
Westinghouse Electric Corporation

Docket No. 52-003
AP600

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