



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 23, 1996

Mr. Arthur Kenny
Licensing Administrator
Intellectual Property
Electric Power Research Institute
P.O. Box 10412
Palo Alto, California 94303

SUBJECT: REQUEST FOR WITHHOLDING ELECTRIC POWER RESEARCH INSTITUTE (EPRI)
INFORMATION FROM PUBLIC DISCLOSURE FOR WESTINGHOUSE AP600 DESIGN
LETTER OF MAY 15, 1995, AND EPRI LETTER OF DECEMBER 15, 1995

Dear Mr. Kenny:

By letter dated December 15, 1995, EPRI submitted a non-proprietary version of the following EPRI document (the Information):

EPRI Report RA-93-10, "GOTHIC Design Review, Final Report," dated September 30, 1993.

The Westinghouse letter dated May 15, 1995, submitted a proprietary copy and requested that the EPRI proprietary information be withheld from public disclosure pursuant to 10 CFR Section 2.790. Included in the Westinghouse letter was the application from EPRI, the owner of the Information, dated May 12, 1995.

In the Nuclear Regulatory Commission (NRC) letter dated November 30, 1995, you were requested to review your claim and notify the staff as to the portions of the document that constitute proprietary information and furnish a non-proprietary version of the document. In the EPRI letter dated December 15, 1995, you provided a non-proprietary version of the report and requested that the proprietary version be exempt from public disclosure.

In the application, you stated that the Information was considered proprietary and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. The EPRI affidavit dated May 11, 1995, stated that the Information should be exempt from mandatory public disclosure for the following reasons:

- (a) The Information has been held in confidence by EPRI. EPRI intends to provide copies of the information to EPRI members and to one or more EPRI contractors. EPRI members and contractors are bound by confidentiality agreements to preserve the confidentiality of proprietary and confidential documents received from EPRI. Receipt of the Information by such members and contractors will not impair the proprietary and confidential nature of the Information nor will such receipt impair the value of the Information as trade secrets. In addition, EPRI may license the Information to organizations that are not EPRI members.

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- (b) The Information is of a type of customarily held in confidence by EPRI and there is a rational basis therefor. The Information is of a type that EPRI considered to be trade secrets. Such Information is customarily held in confidence by EPRI because to disclose it would prevent EPRI from licensing the Information at fees which would allow EPRI to recover its investment. If consultants and other businesses providing services in the electric power industry were able to obtain the Information, they would be able to use it commercially for profit and avoid spending the large amount of money that EPRI was required to spend to obtain the Information.
- (c) The Information will be transmitted and received by the NRC in confidence. The purpose is to maintain the confidentiality of the Information.
- (d) The Information is not available in public sources. EPRI developed the Information only after making a determination that the Information was not available from public sources. EPRI was required to spend large amount of money through payments to contractors. In addition, EPRI was required to use a large amount of time of EPRI employees. Finally, the Information was developed only after a long period of effort.
- (e) A public disclosure of the Information would be highly likely to cause substantial harm to EPRI's competitive position. The Information can be properly acquired or duplicated by others only with an equivalent investment of time and effort.

We have reviewed the request and the information contained in the report in accordance with the requirements of 10 CFR 2.790 and have determined that the remaining material contained in the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, we have determined that the proprietary materials excluded from the non-proprietary version submitted on December 15, 1995, 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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Mr. Arthur Kenny
Electric Power Research Institute

Docket No. 52-003
AP600

cc: Mr. Nicholas J. Liparulo, Manager
Nuclear Safety and Regulatory Analysis
Nuclear and Advanced Technology Division
Westinghouse Electric Corporation
P.O. Box 355
Pittsburgh, PA 15230

Mr. Frank A. Ross
U.S. Department of Energy, NE-42
Office of LWR Safety and Technology
19901 Germantown Road
Germantown, MD 20874

Mr. B. A. McIntyre
Advanced Plant Safety & Licensing
Westinghouse Electric Corporation
Energy Systems Business Unit
Box 355
Pittsburgh, PA 15230

Mr. Ronald Simard, Director
Advanced Reactor Program
Nuclear Energy Institute
1776 Eye Street, N.W.
Suite 300
Washington, DC 20006-3706

Mr. John C. Butler
Advanced Plant Safety & Licensing
Westinghouse Electric Corporation
Energy Systems Business Unit
Box 355
Pittsburgh, PA 15230

STS, Inc.
Ms. Lynn Connor
Suite 610
3 Metro Center
Bethesda, MD 20814

Mr. M. D. Beaumont
Nuclear and Advanced Technology Division
Westinghouse Electric Corporation
One Montrose Metro
11921 Rockville Pike
Suite 350
Rockville, MD 20852

Mr. James E. Quinn, Projects Manager
LMR and SBWR Programs
GE Nuclear Energy
175 Curtner Avenue, M/C 165
San Jose, CA 95125

Mr. Sterling Franks
U.S. Department of Energy
NE-42
Washington, DC 20585

Mr. John E. Leatherman, Manager
SBWR Design Certification
GE Nuclear Energy, M/C 781
San Jose, CA 95125

Mr. S. M. Modro
Nuclear Systems Analysis Technologies
Lockheed Idaho Technologies Company
Post Office Box 1625
Idaho Falls, ID 83415

Barton Z. Cowan, Esq.
Eckert Seamans Cherin & Mellott
600 Grant Street 42nd Floor
Pittsburgh, PA 15219

Mr. Charles Thompson, Nuclear Engineer
AP600 Certification
U.S. Department of Energy
NE-451
Washington, DC 20585

Mr. Ed Rodwell, Manager
PWR Design Certification
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94303