



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 16, 1996

52-003

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR
WESTINGHOUSE AP600 DESIGN LETTER OF NOVEMBER 30, 1995

Dear Mr. McIntyre:

By Westinghouse letter NTD-NRC-95-4602, dated November 30, 1995, you submitted responses to the Nuclear Regulatory Commission (NRC) requests for additional information (RAI's) on the AP600 design certification test program, the NOTRUMP computer code, and the W/GOTHIC computer code. The material is provided via enclosure in both a proprietary and nonproprietary form.

In the letter, you identify information in the RAI's responses which you consider proprietary and request that it be withheld from public disclosure pursuant to 10 CFR 2.790. The attached affidavit executed by you on December 1, 1995, (AW-95-908), states 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.

Therefore, we have determined that the proprietary materials enclosed in NTD-NRC-95-4602, 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.

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Mr. Brian A. McIntyre

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April 16, 1996

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:

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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Mr. Brian A. McIntyre
Westinghouse Electric Corporation

Docket No. 52-003
AP600

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