



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 12, 1996

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 MARCH 6, 1996

Dear Mr. McIntyre:

By Westinghouse letter NSD-NRC-96-4660, dated March 6, 1996, you submitted information on the applicability of test data related to the PRHR heat exchanger. The material is provided via enclosure in both a proprietary and nonproprietary form.

In the letter, you identify information in the enclosure which you consider proprietary and request that it be withheld from public disclosure pursuant to 10 CFR 2.790. The attached affidavit dated March 7, 1996, (AW-96-938), 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.

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 NSD-NRC-96-4660, 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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June 12, 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 Nuclear Regulatory Commission. 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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