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DPC/NRC1407
NSD-NRC-98-5751
Docket No.: 52-003

August 12, 1998

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555

ATTENTION: T. R. QUAY

SUBJECT: RESPONSE TO NRC LETTERS CONCERNING REQUESTS FOR WITHHOLDING
INFORMATION

- Reference:
1. Letter, Sebrosky to McIntyre, "Request for withholding information from public disclosure for Westinghouse AP600 letters of March 9, 1992, April 28, 1993, and July 14, 1998."
 2. Letter, Sebrosky to McIntyre, "Request for withholding information from public disclosure for Westinghouse letters dated February 14, 1992, July 29, 1994, and July 14, 1998."

Dear Mr. Quay:

Reference 1 provided the NRC assessment of the Westinghouse claim that proprietary information was provided in a letter dated March 9, 1992, that proposed a cooperative testing program in the Oregon State University, ROSA-IV and Large Scale Test facilities that would have allowed Westinghouse and the NRC to utilize the same testing facilities to perform AP600 related integral systems testing. The NRC assessment was that the information contained was similar to other nonproprietary material or that it did not conform to 10CFR2.790(b)(4). In addition, the material was used by the staff in the development of the draft safety evaluation report for the AP600, and therefore, should remain on the docket. At the time this offer was being proposed, the information was proprietary since it contained information that had commercial value to Westinghouse. At this time, over six years later, this information does not have commercial value and is no longer considered to be proprietary by Westinghouse.

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Reference 1 also provided the NRC assessment of the Westinghouse claim that proprietary information was provided in a letter dated April 28, 1993, that provided a copy of WCAP-13383, "AP600 Instrumentation and Control Hardware and Software Design, Verification and Validation Process Report." The NRC assessment was that the information contained was similar to other nonproprietary material or that it did not conform to 10CFR2.790(b)(4). Reference 1 also noted that a subsequent revision of this report was considered nonproprietary. In addition, the material was used by the staff in the development of the draft safety evaluation report for the AP600, and therefore, should remain on the docket. Revision 1 of WCAP-13383 was issued on June 17, 1996, (DCP/NRC0526) to close out DSEK open items 7.1.4-1 and 7.1.7-1. At that time, three years after Revision 0 of WCAP-13383

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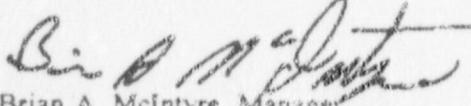
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was issued, the information was no longer considered to be proprietary by Westinghouse and Revision 1 was therefore issued as a nonproprietary report. Since the information in Revision 0 is essentially the same information as in Revision 1, Revision 0 of WCAP-13883 is therefore no longer considered to be proprietary by Westinghouse.

Reference 2 provided the NRC assessment of the Westinghouse claim that proprietary information was provided in a letter dated February 14, 1992, that contained the Westinghouse response to the NRC AP600 issues that would require testing in a high pressure full height test facility. The NRC assessment was that no material in the letter was specifically identified as being proprietary and that a nonproprietary version was not provided. In addition, the material was used by the staff in the development of the safety evaluation for the AP600, and therefore, would need to be provided in another form if Westinghouse decides to withdraw the proprietary information as allowed by 10CFR 2.790(c). At the time this subject was being discussed with the NRC technical staff, the information was considered to be proprietary by Westinghouse since it contained information that had commercial value to Westinghouse. At this time, over six years later, this information does not have commercial value and is no longer considered to be proprietary by Westinghouse.

Reference 2 also provided the NRC assessment of the Westinghouse claim that proprietary information was provided in a letter dated July 24, 1994, that provided a copy of WCAP-14132 (Proprietary) and WCAP-14133 (Nonproprietary), "AP600 CMT Program - Facility Description Report." The NRC assessment was that no material in the reports was specifically identified as being proprietary. In addition, the material was used by the staff in the development of the safety evaluation for the AP600, and therefore, would need to be provided in another form if Westinghouse decides to withdraw the proprietary information as allowed by 10CFR 2.790(c). In WCAP-14132, it should be noted that the detailed as-built CMT test facility drawings in Appendix A are indicated to be proprietary by the standard proprietary statement used by Westinghouse on drawings. These detailed as-built drawings were deleted from WCAP-14133 to create the nonproprietary version of the CMT facility description report. To indicate what had been deleted, the list of as-built drawings was retained in the nonproprietary version of the report, WCAP-14133. Westinghouse still considers the as-built drawings marked as proprietary in WCAP-14132 to be proprietary since the information reveals the distinguishing aspects of a process (structure, method or component) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive advantage over other companies and its use by a competitor would reduce his expenditure of resources in the design, assurance of quality or licensing of a similar product. The text description of the CMT test facility in WCAP-14133 is sufficient to support the staff safety determination for this activity.

This response addresses the proprietary issues delineated in the references.


Brian A. McIntyre, Manager
Advanced Plant Safety and Licensing

jml

cc: J. W. Roe - NRC/NRR/DRPM
J. M. Sebrosky - NRC/NRR/DRPM
H. A. Sepp - Westinghouse

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