



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

September 29, 1998

Mr. Brian A. McIntyre, Manager  
Advanced Plant Safety and Licensing  
Energy Systems Business Unit  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
CONCERNING WESTINGHOUSE AP600 SYSTEM FIGURES IN WCAP-14425

Dear Mr. McIntyre:

By Westinghouse letter NTD-NRC-95-4506, dated July 13, 1995, you submitted WCAP-14425, "The Evaluation of the AP600 Conformance to Inter-System Loss-Of-Coolant-Accident Acceptance Criteria." In an NRC letter to Westinghouse dated September 14, 1995, the staff did not accept that certain specific figures in the WCAP contained Westinghouse proprietary trade secrets or commercial information.

In Westinghouse letter NSD-NRC-98-5768, dated August 20, 1998, Westinghouse agreed that the figure for the normal RHR system, Figure 3-1, was non-proprietary and could be placed into the public domain. However, Westinghouse maintained that the figure for the Primary Sampling System, Figure 3-4, contains significantly more detail than the simplified drawings that traditionally appear in safety analysis reports. After further consideration of the Westinghouse justification, the staff accepts the Westinghouse claim that Figure 3-4 in WCAP-14425 may contain Westinghouse proprietary information.

In your original submittal of WCAP-14425 (Westinghouse letter NTD-NRC-95-4506), affidavit AW-95-861 dated July 14, 1995, 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.
- 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.

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We have reviewed your original submittal and the supplemental information provided in Westinghouse letter NSD-NRC-98-5768 in accordance with the requirements of 10 CFR 2.790 and, on the basis of Westinghouse's statements, have determined that the figure for the Primary Sampling System, Figure 3-4, sought to be withheld contains trade secrets or proprietary commercial information.

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Therefore, we have determined that Figure 3-4 contained in WCAP-14425 and submitted by Westinghouse letter NTD-NRC-95-4506, dated July 13, 1995, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(e) of the Atomic Energy Act of 1954, as amended. Figure 3-1, the Normal Residual Heat Removal System, which Westinghouse agrees does not contain proprietary information, will be placed into the public record.

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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Westinghouse Electric Corporation

Docket No. 52-003  
AP600

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