



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 15, 1998

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
OF WESTINGHOUSE AP600 PRELIMINARY REPORT ON THE NOTRUMP
VALIDATION OF CORE MAKEUP TANK (CMT) TESTS

Dear Mr. McIntyre:

By Westinghouse letter NTD-NRC-95-4486, dated June 12, 1995, you submitted the "AP600 NOTRUMP Core Makeup Tank Preliminary Validation Report for 500-series Natural Circulation Tests." In your letter, you stated that certain information in this report was considered proprietary and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. You also stated that the report was preliminary and that publication of the final report would be incorporated into another Westinghouse report together with a non-proprietary version.

The final version of the NOTRUMP validation of the CMT 500-series natural circulation tests was subsequently included in Chapter 6 of the NOTRUMP final validation report for AP600 (WCAP-14807) which was submitted as revision 0 on December 18, 1996. A non-proprietary version of this report was submitted as Chapter 6 of WCAP-14808 by Westinghouse letter NSD-NRC-97-4974, dated March 3, 1997 for placement into the Public Document Room. Affidavit AW-95-846 dated June 14, 1995, and executed by you claims, in part, that the information in WCAP-14807 is classified as proprietary because "The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money." In addition, the affidavits also state 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 submittals 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.

Mr. Brian A. McIntyre

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Therefore, we have determined that the AP600 NOTRUMP Core Makeup Tank Preliminary Validation Report for 500-series Natural Circulation Tests enclosed in Westinghouse letter NTD-NRC-95-4486, dated June 12, 1995, 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.

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. B. A. McIntyre
Westinghouse Electric Company

Docket No. 52-003
AP600

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