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DCP/NRC1421
NSD-NRC-98-5762
Docket No.: 52-003

August 20, 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 RELATED TO THE AP600 PXS SCALING AND PIRT CLOSURE
REPORT, WCAP-14727

Reference: 1. Letter, Huffman to McIntyre, "Request for withholding information from public
disclosure for Westinghouse AP600 design letters," dated July 14, 1998.

Dear Mr. Quay:

Reference 1 sets forth the NRC assessment of the Westinghouse claim for treatment of proprietary information submitted by Westinghouse in a series of letters, which letters provided to the staff responses and documentation related to the AP600 PXS Scaling and PIRT Closure Report, WCAP-14727. The staff asserts that it cannot complete its proprietary determination review of the documentation because of the following documentation deficiencies:

- o WCAP-14727 submittal not bracketed to indicate what information is proprietary.
- o A non-proprietary version of WCAP-14727 needs to be provided.
- o August 18, 1997 and February 27, 1998 submittal did not include affidavits even though some material was identified as proprietary.
- o February 2, 1998, submittal contains proposed revisions to WCAP-14727 marked as proprietary without an affidavit or non-proprietary version attached.

To address these issues Westinghouse is submitting Enclosure 1, change pages for Chapters 7 and 8, for inclusion as Revision 2 of WCAP-14727, "AP600 PXS Scaling and PIRT Closure Report, February, 1998, Westinghouse Proprietary Version," and Enclosure 2, Revision 2 to WCAP-14953, "AP600 PXS Scaling and PIRT Closure Report, August, 1998, Westinghouse Non-Proprietary Version." It is noted that Revision 0 and Revision 1 of WCAP-14953 were not transmitted to the NRC. In addition, each of the letters submitted by Westinghouse and listed in Reference 1 is discussed below in regards to the proprietary nature of the documents transmitted by these letters.

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NSD-NRC-96-4822, "AP600 Scaling and PIRT Closure Report, WCAP-14727," dated September 18, 1996

Letter NSD-NRC-96-4822 transmitted Revision 0 of WCAP-14727, which is labeled as "Westinghouse Proprietary Class 2," an internal proprietary designation. The report contains material which is bracketed [] as proprietary with superscripts (a,b,c) denoting the reason the bracketed material is considered proprietary. The majority of the material marked as proprietary are the figures illustrating test data obtained during the AP600 Design Certification Test Program as illustrated in Chapters 3, 4, 5, 6, 7, 8, 10 and Appendix C. The Westinghouse copyright notice, proprietary information notice, application for withholding and affidavit number AW-96-1011 were included with transmittal letter NSD-NRC-96-4822, however, a non-proprietary version of Revision 0 of WCAP-14727 was not provided. Enclosure 2 of this letter provides the required non-proprietary report (WCAP-14953, Revision 2) corresponding to the latest proprietary version of WCAP-14727, Revision 2.

NSD-NRC-97-5261, "AP600 Scaling and PIRT Closure Report, WCAP-14727, Revision 1," dated August 7, 1996

Letter NSD-NRC-97-5261 transmitted Revision 1 of WCAP-14727, which is labeled as "Westinghouse Proprietary Class 2," an internal proprietary designation. The report contains material which is bracketed [] as proprietary with superscripts (a,b,c) denoting the reason the bracketed material is considered proprietary. The majority of the material marked as proprietary are the figures illustrating test data obtained during the AP600 Design Certification Test Program as illustrated in Chapters 4, 5, and 6. Proprietary material was removed from Chapters 3 and Appendix C of Revision 1. Chapter 10 was deleted and Chapter 11 was renumbered as Chapter 10. However, the proprietary materials in Chapters 7 and 8 were not marked as proprietary as they had been in Revision 0 of WCAP-14727. Enclosure 1 of this letter provides a revision to WCAP-14727 with the appropriate material in Chapters 7 and 8 marked as proprietary. The Westinghouse copyright notice, proprietary information notice, application for withholding and affidavit number AW-97-1150 were included with transmittal letter NSD-NRC-97-5261, however, a non-proprietary version of Revision 1 of WCAP-14727 was not provided. Enclosure 2 of this letter provides the required non-proprietary report (WCAP-14953, Revision 2) corresponding to the latest proprietary version of WCAP-14727, Revision 2.

NSD-NRC-97-5280, "Change pages for AP600 Scaling and PIRT Closure Report, WCAP-14727, Revision 1," dated August 18, 1996

See the discussion in the sixth paragraph of our letter NSD-NRC-98-5756, dated August 14, 1998, for an explanation of the information included in our letter NSD-NRC-97-5280.

NSD-NRC-98-5577, "AP600 Response to FSER Open Items," dated February 18, 1998

Letter NSD-NRC-98-5577 provided a partial response to FSER Open Item 440.790F, items (a) and (b) only. The response to the open item included proposed changes to WCAP-14727, Revision 1. None of the proposed changes included proprietary material and, as such, no proprietary markings were

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required. However, the proposed changes appeared to contain proprietary information that was not clearly identified other than being marked "Westinghouse Proprietary Class 2" on the changed pages and there was no affidavit included with the letter. In accordance with Westinghouse company policy, each page of a proprietary report has a "Westinghouse Proprietary Class 2" statement on the page header. Specific information that is proprietary is indicated with brackets. In this submittal, no information on the change pages was considered to be proprietary and as such no material was marked. If any pages contained proprietary information, the material would have been bracketed and covered by the affidavit AW-97-1150, which was submitted with Revision 1 of WCAP-14727 in our letter NSD-NRC-97-5261 dated August 7, 1997. Therefore, no affidavit or non-proprietary version of this submittal was required.

NSD-NRC-98-5592, "WCAP-14727, AP600 Scaling and PIRT Closure Report, Revision 2," dated February 27, 1998

Letter NSD-NRC-98-5592 provided a revised response to FSER Open Item 440.790F. The response to the open item included the change pages for WCAP-14727, Revision 2, with the exception of two RAI responses to be included in Appendix A. None of the change pages included proprietary material and, as such, no proprietary markings were required. However, the proposed changes appeared to contain proprietary information that was not clearly identified other than being marked "Westinghouse Proprietary Class 2" on the changed pages and there was no affidavit included with the letter. In accordance with Westinghouse company policy, each page of a proprietary report has a "Westinghouse Proprietary Class 2" statement on the page header. Specific information that is proprietary is indicated with brackets. In this submittal, no information on the change pages was considered to be proprietary and as such, no material was marked. Change pages that contained proprietary information were submitted in our letter NSD-NRC-98-5595 dated March 2, 1998, as described in the next paragraph. Therefore, no affidavit or non-proprietary version of this submittal was required.

NSD-NRC-98-5595, "WCAP-14727, AP600 Scaling and PIRT Closure Report, Revision 2, RAI Responses for Appendix A" dated March 2, 1998

Letter NSD-NRC-98-5595 provided the change pages for the two RAI responses to be inserted in Appendix A of WCAP-14727, Revision 2. The change pages contain material which is bracketed [] as proprietary with superscripts (a,b,c) denoting the reason the bracketed material is considered proprietary. The majority of the material marked as proprietary are the figures illustrating test data obtained during the AP600 Design Certification Test Program, for example, as illustrated in Appendix A, OITS 3401, Figures 440.576-1 through 4. However, the proprietary materials in Chapters 7 and 8 were not marked as proprietary as they had been in Revision 0 of WCAP-14727. Enclosure 1 of this letter provides a revision to WCAP-14727 with the appropriate material in Chapters 7 and 8 marked as proprietary. The Westinghouse copyright notice, proprietary information notice, application for withholding and affidavit number AW-98-1217 were included with transmittal letter NSD-NRC-98-5595, however, a non-proprietary version of change pages for Revision 2 of WCAP-14727 was not provided. Enclosure 2 of this letter provides the required non-proprietary report (WCAP-14953, Revision 2) corresponding to the latest proprietary version of WCAP-14727, Revision 2.

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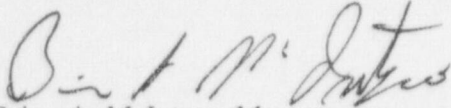
The Westinghouse Electric Company, a division of CBS Corporation ("Westinghouse"), copyright notice, proprietary information notice, application for withholding and affidavit are attached.

This submittal contains Westinghouse proprietary information consisting of trade secrets, commercial information or financial information which we consider privileged or confidential pursuant to 10CFR.790. Therefore, it is requested that the Westinghouse proprietary information attached hereto be handled on a confidential basis and be withheld from public disclosures.

This material is for your internal use only, and may be used for the purpose for which it is submitted. It should not be otherwise used, disclosed, duplicated, or disseminated, in whole or in part to any other person or organization outside the Commission, to Office of Nuclear Reactor Regulation, the Office of Nuclear Regulatory Research and the necessary subcontractors that have signed a proprietary non-disclosure agreement with Westinghouse without the express written approval of Westinghouse.

Correspondence with respect to the application for withholding should reference AW-98-1280, and should be addressed to Brian A. McIntyre, Manager of Advanced Plant Safety and Licensing, Westinghouse Electric Company, a division of CBS Corporation ("Westinghouse"), P.O. Box 355, Pittsburgh, Pennsylvania, 15230-0355.

This response addresses the proprietary issues related to WCAP-14727 as delineated in the reference.



Brian A. McIntyre, Manager
Advanced Plant Safety and Licensing

jml

Attachments
Enclosures

cc: J. W. Roe - NRC/NRR/DRPM (w/o Enclosures, w/o Attachments)
J. M. Sebrosky - NRC/NRR/DRPM (w/o Enclosures, w/o Attachments)
W. C. Huffman - NRC/NRR/DRPM (w/o Attachments)
H. A. Sepp - Westinghouse (w/o Enclosures, w/o Attachments)

ENCLOSURE 1
WESTINGHOUSE DCP/NRC1421
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