

52-003



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

October 15, 1996

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

SUBJECT: REQUEST FOR WITHHOLDING PROPRIETARY INFORMATION - WESTINGHOUSE
RESPONSES TO THE NUCLEAR REGULATORY COMMISSION (NRC) REQUESTS FOR
ADDITIONAL INFORMATION (RAIs) ON THE AP600 DESIGN

Dear Mr. McIntyre:

By letter dated September 12, 1996, Westinghouse resubmitted information relating to a staff RAI on the AP600 NOTRUMP computer code. The resubmission of information resulted from a staff request for Westinghouse to clearly identify the proprietary information in the RAIs and to provide a separate nonproprietary version of the RAIs to place in the NRC's Public Document Room. The Westinghouse responses covered RAI Numbers 440.326, 328, 330, 341, 438, 463, 466, 467, 473, 475, 477, 494, 497, 500, 510, 511, and 513 and requested that those portions of the responses outlined by brackets, as indicated by the proprietary information notice, be withheld from public disclosure. The information consists of details of the AP600 test program relating to the NOTRUMP computer code. The request was made in accordance with 10 CFR 2.790 and is supported by affidavit (AW-96-1009), dated September 13, 1996, which claims, in part, that the information 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 affidavit identifies 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 the resubmitted information in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the information sought to be withheld contains trade secrets or proprietary commercial information. Therefore, those portions of RAI Numbers 440.326, 328, 330, 341, 438, 463, 466, 467, 473, 475, 477, 494, 497, 500, 510, 511, and 513 identified by brackets will be withheld from public disclosure

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pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. A copy of the RAI's identified as nonproprietary has been placed in the NRC's Public Document Room.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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 inspection 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 also 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 included your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

original signed by:

Dino C. Scaletti, Project Manager
Standardization Project Directorate
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

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cc: See next page

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Mr. Brian A. McIntyre
Westinghouse Electric Corporation

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AP600

cc: Mr. Nicholas J. Liparulo
Nuclear Safety and Regulatory Analysis
Nuclear and Advanced Technology Division
Westinghouse Electric Corporation
P.O. Box 355
Pittsburgh, PA 15230

Mr. Ronald Simard, Director
Advanced Reactor Programs
Nuclear Energy Institute
1776 Eye Street, N.W.
Suite 300
Washington, DC 20006-3706

Mr. John C. Butler
Advanced Plant Safety & Licensing
Westinghouse Electric Corporation
Energy Systems Business Unit
Box 355
Pittsburgh, PA 15230

Ms. Lynn Connor
Doc-Search Associates
Post Office Box 34
Cabin John, MD 20818

Mr. M. D. Beaumont
Nuclear and Advanced Technology Division
Westinghouse Electric Corporation
One Montrose Metro
11921 Rockville Pike
Suite 350
Rockville, MD 20852

Mr. James E. Quinn, Projects Manager
LMR and SBWR Programs
GE Nuclear Energy
175 Curtner Avenue, M/C 165
San Jose, CA 95125

Mr. Sterling Franks
U.S. Department of Energy
NE-42
Washington, DC 20585

Mr. John E. Leatherman, Manager
SBWR Design Certification
GE Nuclear Energy, M/C 781
San Jose, CA 95125

Mr. S. M. Modro
Nuclear Systems Analysis Technologies
Lockheed Idaho Technologies Company
Post Office Box 1625
Idaho Falls, ID 83415

Barton Z. Cowan, Esq.
Eckert Seamans Cherin & Mellott
600 Grant Street 42nd Floor
Pittsburgh, PA 15219

Mr. Frank A. Ross
U.S. Department of Energy, NE-42
Office of LWR Safety and Technology
19901 Germantown Road
Germantown, MD 20874

Mr. Ed Rodwell, Manager
PWR Design Certification
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94303

Mr. Charles Thompson, Nuclear Engineer
AP600 Certification
U.S. Department of Energy
NE-451
Washington, DC 20585