



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 16, 1996

Nicholas J. Liparulo, Manager  
Regulatory and Engineering Networks  
Westinghouse Electric Corporation  
Post Office Box 355  
Pittsburgh, Pennsylvania 15230-0355

Dear Mr. Liparulo:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,  
WESTINGHOUSE LETTER OF SEPTEMBER 4, 1996

By your letter (NSD-NRC-96-4812) dated September 4, 1996, you submitted both proprietary and non-proprietary versions of the material that was presented at a meeting with the staff on September 9, 1996. The meeting was held to discuss the root cause of the incomplete rod cluster control assembly insertion issue. In letter AW-96-1004, also dated September 4, 1996, you requested the proprietary material be withheld from public disclosure in accordance with 10 CFR 2.790. This is the response to that request.

In your request you stated that you considered certain information in the presentation material to be proprietary and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. The affidavit, executed by John S. Carlson on September 6, 1996, stated that the 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.
- (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.

We have carefully reviewed your September 4, 1996 request and the information contained in your request. We have concluded that some of the material may be withheld in accordance with 10 CFR 2.790, but that certain other material should be released and placed in the Public Document Room (PDR). The information that we do not believe includes distinguishing aspects or would improve a competitor's economic advantage and information that we do not believe constitute trade secrets or proprietary commercial information is the following. We have listed the reason in parentheses.

270032  
9701270263 961016  
PDR TOPRP EMVWEST  
C PDR

97-14 20-8-2 WE

- 1) Last bullet on page 27:  
...low  
(Non-proprietary in 6/27/96 presentation)
- 2) First bullet on page 31:  
High dashpot drag...  
(Public safety)
- 3) Last bullet on page 31:  
...well within H database  
(Page 19 already states this)
- 4) Last bullet on page 35:  
...with a predetermined sequence of probe lengths and diameters  
(Previously non-proprietary)
- 5) All of page 36:  
Probe selected assemblies that exhibit high drag  
Start with large diameter/short length probe
  - Same as used in manufacturing for inspectionSequence
  - "GO" - increase length until "NO GO"
  - "NO GO" - decrease diameter until "GO"(Previously non-proprietary)
- 6) Last bullet on page 38:  
...consistent with drag  
(Previously non-proprietary)
- 7) Last statement of second bullet on page 39:  
Axial location and degree of distortion  
(Part of non-proprietary root cause)
- 8) Second bullet of last statement on page 40:
  - Fluence  $> 7.5 \times 10^{21}$  (~ 40K MWD/MTU burnup)(Part of WOG submittal and other non-proprietary presentations)
- 9) Entire list on page 47:
  - UT dimensional measurements
  - Tensile tests
  - Texture measurements

- Grain size data
- Chemistry data

(Non-proprietary in May 15, 1996, meeting)

10) Entire list under last bullet on page 72:

- Wolf Creek "J"
- Other Wolf Creek "H"
- South Texas

(Non-proprietary on page 73)

In accordance with 10 CFR 2.790(c), this information is being forwarded to you as notice that the these portions of the material will be placed in the PDR thirty (30) days from the date of this letter. If within thirty (30) days of this letter, you request withdrawal of these documents in accordance with 10 CFR Section 2.790(c), or provide additional reasons for the withholding of information not already expunged from the documents, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure or returned to you.

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,



Claudia M. Craig, Senior Project Manager  
Generic Issues and Environmental  
Projects Branch  
Division of Reactor Program Management  
Office of Nuclear Reactor Regulation

cc: Mr. Andy Drake, Project Manager  
Westinghouse Owners Group  
Post Office Box 355  
Pittsburgh, Pennsylvania 15230-0355

October 16, 1996

- Grain size data
- Chemistry data

(Non-proprietary in May 15, 1996, meeting)

10) Entire list under last bullet on page 72:

- Wolf Creek "J"
- Other Wolf Creek "H"
- South Texas

(Non-proprietary on page 73)

In accordance with 10 CFR 2.790(c), this information is being forwarded to you as notice that the these portions of the material will be placed in the PDR thirty (30) days from the date of this letter. If within thirty (30) days of this letter, you request withdrawal of these documents in accordance with 10 CFR Section 2.790(c), or provide additional reasons for the withholding of information not already expunged from the documents, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure or returned to you.

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:

Claudia M. Craig, Senior Project Manager  
Generic Issues and Environmental  
Projects Branch

Division of Reactor Program Management  
Office of Nuclear Reactor Regulation

cc: Mr. Andy Drake, Project Manager  
Westinghouse Owners Group  
Post Office Box 355  
Pittsburgh, Pennsylvania 15230-0355

Document Name: G:\CMC1\9.9mtg.prp

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	PG&B:DRPM	OGC	SRXB#1	PG&B:DRPM	PG&B:DRPM
NAME	CCraig:sw	MPSiemien	RJones	RArchitzel	DMatthews
DATE	10/1/96	10/9/96	10/3/96	10/1/96	10/6/96

OFFICIAL RECORD COPY

\*\*\*\*\*30 DAY HOLD ON DISTRIBUTION\*\*\*\*\*

Distribution:

Central File

PGE r/f

CMCraig

Siemien, OGC

MChatterton

PUBLIC

TMartin

DMatthews

RArchitzel