



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 17, 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 July 18, 1996, Westinghouse submitted information in response to a staff RAI. The Westinghouse responses covered RAI Numbers 410.280 and 281 related to Section 9 of the Standard Safety Analysis Report; 440.120 related to boron dilution events; and 440.568 related to the ADS Test Analysis Report and requested that those portions of the response to 440.568 outlined by brackets be withheld from public disclosure. The request was made in accordance with 10 CFR 2.790 and is supported by affidavit (AW-96-991) executed by William R. Rice, dated July 19, 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 Number 440.568 identified by brackets 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. A copy of the RAIs 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

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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

Docket No. 52-003

cc: See next page

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Mr. Brian A. McIntyre  
Westinghouse Electric Corporation

Docket No. 52-003  
AP600

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