



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 19, 1997

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

52-3

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR
WESTINGHOUSE AP600 DESIGN LETTER OF OCTOBER 28, 1996

Dear Mr. McIntyre:

By Westinghouse letter NSD-NRC-96-4864, dated October 28, 1996, you submitted Westinghouse material, as identified in the enclosure, that had been sent to the staff via facsimile for the time period of September 23, 1996 to October 24, 1996. The facsimiles were submitted in draft form to expedite the staff's review. Your letter stated that proprietary and non-proprietary versions of the material were provided via an enclosure.

In your letter, you identify that information in the submittal is considered proprietary and request that it be withheld from public disclosure in accordance with 10 CFR 2.790. The attached affidavit (AW-96-1027), executed by you on the same date, states that the designated information, owned and held in confidence by Westinghouse, should be considered exempt from mandatory public disclosure. The following reasons have been provided for your request:

- (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, of licensing a similar product.

We have reviewed your submittal and the material in accordance with 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. Therefore, we have determined that the proprietary material enclosed in NSD-NRC-96-4864, which is 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. However, you did not submit a non-proprietary version of the proprietary material in your non-proprietary submittal. You removed the pages that you consider

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Mr. Brian A. McIntyre

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proprietary without indicating in the non-proprietary version the pages were missing. You are requested to submit a complete non-proprietary version of your October 28, 1996, enclosure within 30 days of the date of this letter. Further, the staff can not protect information that was sent by Westinghouse via facsimile from interception during transmittal.

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:

Diane T. Jackson, Project Manager
Standardization Project Directorate
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

Docket No. 52-003

Enclosure: As stated

cc w/enclosure:
See next page

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*See previous concurrence

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Mr. Brian A. McIntyre
Westinghouse Electric Corporation

Docket No. 52-003
AP600

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Facsimiles sent to NRC between September 23, 1996 to October 24, 1996

Date	No. Pages	Subject of facsimile	West. Proprietary
10/24/96	11	Westinghouse open item workoff goals	N
10/24/96	3	Description of pH Adjustment Analysis Cases	N
10/21/96	29	WCobra Trac (WC/T) Long Term Cooling (LTC) calculation comparisons vs. Oregon State University data for telephone conference	Y - Removed from non-proprietary version
10/21/96	12	Open Item Tracking System (OITS) printout for SSAR Section 9.4	N
10/17/96	1	Westinghouse statement of "doneness" for SSAR Section 3.9	N
10/17/96	6	Draft TS 3.7.8 for secondary coolant system leakage	N
no date	2	Westinghouse summary of 10/15/96 telecon on MAAP4 and T/H uncertainty RAI responses	N
no date	2	Note dated October 10, 1996 regarding thermal hydraulic (T/H) uncertainty RAI responses	N
10/17/96	7	Westinghouse open item workoff goals	N
10/15/96	33	WC/T LTC plots for 10/16 telephone conference	Y - Removed from non-proprietary version
10/14/96	2	Description of RAI response to OITS# 638	N
10/9/96	3	Draft RAI 410.115 R1 response to OITS# 229	N
10/9/96	1	Westinghouse statement of "doneness" for SSAR Section 14	N
10/7/96	2	Draft RAI 410.255 R1 response to OITS# 366	N
9/27/96	3	Standard safety analysis report (SSAR) Markup of Section 10.1.1 and Table 10.1-1	N
9/26/96	1	Westinghouse statement of "doneness" for SSAR Section 16.2	N
9/26/96	1	Westinghouse statement of "doneness" for SSAR Section 13	N
9/26/96	3	SSAR Markup of 9.2.1.5 and 9.2.1.3	N
9/23/96	1	Westinghouse statement of "doneness" for SSAR Section 7	N

Enclosure

Date	No. Pages	Subject of facsimile	West. Proprietary
9/23/96	1	Westinghouse statement of "doneness" for SSAR Section 3.11	N
9/23/96	1	Westinghouse statement of "doneness" for SSAR Section 4	N
9/23/96	1	Westinghouse statement of "doneness" for SSAR Section 3.7	N
9/23/96	1	Westinghouse statement of "doneness" for SSAR Section 2	N
9/23/96	1	Westinghouse statement of "doneness" for SSAR Section 3.2	N