

September 6, 2001

Mr. Michael M. Corletti
Advanced Plant Safety & Licensing
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(AP 1000 PRE APPLICATION REVIEW)

Dear Mr. Corletti:

By your applications dated March 6 and May 4, 2001, and associated affidavits dated March 6 and May 7, 2001, executed by Mr. H. Sepp, and application dated July 10, 2001, and associated affidavit dated July 17, 2001, executed by Mr. J. Winters, you submitted (a) WCAP-15613, AP1000 PIRT and Scaling Assessment Report, (b) WCAP-15644, AP1000 Code Applicability Report, and (c) Summaries of AP1000 Steam Generator and Reactor Coolant Pump data and Scaling Reference Values, and requested that they be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2.790. Non-proprietary versions of those documents have been placed in the NRC Public Document Room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- (b) It is information which is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by competitors would put Westinghouse at a competitive disadvantage by reducing their expenditure of resources at your expense.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information 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.

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 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 also 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 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.

If you have any questions regarding this matter, I may be reached at 301-415-1102.

Sincerely,

/RA/

Alan C. Rae, AP 1000 Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 711

cc: See next page

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/RA/

Alan C. Rae, AP 1000 Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

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*See previous concurrence
ADAMS ACCESSION NUMBER:

OFFICE	PM:NRLPO	BC:SRXB	OGC*	SC:NRLPO
NAME	ARae:cn	JWermiel	MPSiemens	MGamberoni
DATE	8/31/2001	8/31/2001	8/17/2001	9/6/2001

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M. Gamberoni

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E. Throm

R. Lobel

AP 1000

cc:

Mr. Michael Corletti
Advanced Plant Safety & Licensing
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

Mr. H. A. Sepp
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230

Lynn Connor
Doc-Search Associates
2211 sw 1ST Ave - #1502
Portland, OR 97201

Barton Z. Cowan, Esq.
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street 44th Floor
Pittsburgh, PA 15219

Mr. Ed Rodwell, Manager
Advanced Nuclear Plants' Systems
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94304-1395

Charles Brinkman, Director
Washington Operations
Westinghouse Electric Company
12300 Twinbrook Parkway, Suite 330
Rockville, MD 20852

Mr. R. Simard
Nuclear Energy Institute
1776 I Street NW
Suite 400
Washington, DC 20006

Mr. Thomas P. Miller
U.S. Department of Energy
Headquarters - Germantown
19901 Germantown Road
Germantown, MD 20874-1290