

October 14, 2003

Mr. Hank A. Sepp, Manager  
Regulatory and Licensing Engineering  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: AP1000 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE (AW-03-1705)

Dear Mr. Sepp:

By application made by Mr. Michael M. Corletti, and affidavit executed by yourself, both dated September 19, 2003, Westinghouse Electric Company (Westinghouse) requested that portions of the transmitted document, WCAP-15644-P, Revision 1, "AP1000 Code Applicability Report," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. A nonproprietary copy of the proprietary material is available by contacting the Nuclear Regulatory Commission's (NRC's) Public Document Room and has been added to the Agencywide Documents Access and Management System Public Electronic Reading Room (ADAMS Accession No. ML032671339).

The affidavit stated that the submitted 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) the information 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; and
- (c) use of the information 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 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 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.

H. Sepp

- 2 -

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 (FOIA) 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.

Please contact one of the following members of the AP1000 project management team if you have any questions or comments concerning this matter: Mr. John Segala (Lead Project Manager) at (301) 415-1858, [jps1@nrc.gov](mailto:jps1@nrc.gov); Mr. Joseph Colaccino at (301) 415-2753, [jxc1@nrc.gov](mailto:jxc1@nrc.gov); or Ms. Joelle Starefos at (301) 415-8488, [jls1@nrc.gov](mailto:jls1@nrc.gov).

Sincerely,

***/RA Joseph M. Sebrosky for:/***

Joelle L. Starefos, Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket No. 52-006

cc: See next page

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 (FOIA) 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.

Please contact one of the following members of the AP1000 project management team if you have any questions or comments concerning this matter: Mr. John Segala (Lead Project Manager) at (301) 415-1858, jps1@nrc.gov; Mr. Joseph Colaccino at (301) 415-2753, jxc1@nrc.gov; or Ms. Joelle Starefos at (301) 415-8488, jls1@nrc.gov.

Sincerely,

**/RA Joseph M. Sebrosky for:/**

Joelle L. Starefos, Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket No. 52-006

cc: See next page

Distribution  
HARD COPY  
RNRP R/F  
JLyons  
LDudes  
JStarefos

E-MAIL  
PUBLIC  
JMoore, OGC  
OGC  
JStarefos  
JSegala  
JColaccino  
JWermiel  
YHsii  
CAder  
SBajorek  
SRubin  
JFlack

ACCESSION NUMBER: ML032730605

OFFICE	RNRP:PM	SRXB:BC	OGC-NLO	RNRP:SC
NAME	JStarefos	JWermiel	JSmith	LDudes
DATE	9/30/03	9/30/03	10/7/03	10/9/03

OFFICIAL RECORD COPY

AP 1000

cc:

Mr. W. Edward Cummins  
AP600 and AP1000 Projects  
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 1<sup>ST</sup> Ave - #1502  
Portland, OR 97201

Barton Z. Cowan, Esq.  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street 44<sup>th</sup> 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

Mr. David Lochbaum  
Nuclear Safety Engineer  
Union of Concerned Scientists  
1707 H Street NW, Suite 600  
Washington, DC 20006-3919

Mr. Paul Gunter  
Nuclear Information & Resource Service  
1424 16th Street, NW., Suite 404  
Washington, DC 20036

Mr. Tom Clements  
6703 Guide Avenue  
Takoma Park, MD 20912

Mr. James Riccio  
Greenpeace  
702 H Street, NW, Suite 300  
Washington, DC 20001

Mr. James F. Mallay, Director  
Regulatory Affairs  
FRAMATOME, ANP  
3315 Old Forest Road  
Lynchburg, VA 24501

Mr. Ed Wallace, General Manager  
Projects  
PBMR Pty LTD  
PO Box 9396  
Centurion 0046  
Republic of South Africa

Mr. Vince Langman  
Licensing Manager  
Atomic Energy of Canada Limited  
2251 Speakman Drive  
Mississauga, Ontario  
Canada L5K 1B2

Mr. Gary Wright, Manager  
Office of Nuclear Facility Safety  
Illinois Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704

Dr. Gail H. Marcus  
U.S. Department of Energy  
Room 5A-143  
1000 Independence Ave., SW  
Washington, DC 20585

Mr. Paul Leventhal  
Nuclear Control Institute  
1000 Connecticut Avenue, NW  
Suite 410  
Washington, DC 20036

Mr. Jack W. Roe  
SCIENTECH, INC.  
910 Clopper Road  
Gaithersburg, MD 20878

Patricia Campbell  
Winston & Strawn  
1400 L Street, NW  
Washington, DC 20005

Mr. David Ritter  
Research Associate on Nuclear Energy  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. Michael M. Corletti  
Passive Plant Projects & Development  
AP600 & AP1000 Projects  
Westinghouse Electric Company  
P. O. Box 355  
Pittsburgh, PA 15230-0355