March 14, 2002

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 applications dated September 12, and October 8, 2001, and associated affidavits dated September 13, 2001 (AW-01-1482), and October 9, 2001 (AW-01-1488), respectively, executed by Mr. J. W. Winters, you submitted responses dated September 12, and October 8, 2001, to the Nuclear Regulatory Commission's Requests for Additional Information and requested that portions of your responses be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.790 (10 CFR 2.790). A nonproprietary copy of these documents has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

(1) 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, and

(2) Use by competitors would put Westinghouse at a competitive disadvantage by reducing their expenditure of resources at your expense.

We have reviewed your applications 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 versions 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 301-415-3053.

Sincerely,

/RA/

Lawrence J. Burkhart, 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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Sincerely,

/RA/

Lawrence J. Burkhart, AP 1000 Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 711

cc: See next page

ACCESSION NUMBER:

OFFICE	NRLPO/PM	SRXB/BC	SPLB/BC	OGC	NRLPO/DD
NAME	LBurkhart:cn	JWermiel	JHannon	MPSiemien	MGamberoni-JMS for:
DATE	3/4/2002	3/4/2002	3/4/2002	3/12/2002	3/14/2002

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Distribution: March 14, 2002

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NRLPO R/F
L. Burkhart
J. Lyons
M. Gamberoni

E-MAIL
PUBLIC
S. Collins
J. Johnson
B. Sheron
R. Borchardt
D. Matthews
F. Gillespie
J. Wilson
G. Holahan
J. Hannon
J. Wermiel
S. Black
J. Moore, OGC
M. Siemien, OGC
T. King, RES
A. Thadani, RES
J. Shea, EDO
Y. G. Hsii
L. Lois
S. Bajorek, RES
W. Jensen
R. Caruso
E. Throm

AP 1000

cc:

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