

August 15, 2002

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(AW-02-1538)

Dear Mr. Corletti:

By letter dated July 24, 2002, you submitted your responses to the Nuclear Regulatory Commission (NRC) staff's requests for additional information (RAIs), dated June 27, 2002, regarding the AP1000 design certification application. By the enclosed application (AW-02-1538) and associated affidavit executed by Mr. John W. Fasnacht dated July 24, 2002, you requested that portions of your RAI responses be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.790 (10 CFR 2.790). You also submitted nonproprietary versions of these responses which have been placed in the NRC's Public Document Room and have also been 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 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
- (2) 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.

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.

M. Corletti

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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 contacted at 301-415-3053.

Sincerely,

/RA/

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

Docket No. 52-006

cc: See next page

M. Corletti

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

Docket No. 52-006

cc: See next page

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AP 1000

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