

February 28, 2003

Mr. W. E. Cummins, Director
AP600 & AP1000 Projects
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

Dear Mr. Cummins:

The purpose of this letter is to engage you in the process by which the Nuclear Regulatory Commission (NRC) can provide Westinghouse Electric Company (Westinghouse) with additional information that you may find helpful in developing your application for a certified reactor design for future nuclear power reactors, and to describe how this information must be handled should you decide to receive it for your consideration. The Commission, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.21(c)(1) has authorized the staff to offer Westinghouse, as an applicant for a design certification, access to certain safeguards information (SGI). The subject information has been determined to be sensitive-unclassified information of a type specified as SGI in §73.21. As such, this information is subject to specific handling and protection requirements and has a strict "need to know" limitation. Please note that disclosure of this information to unauthorized persons is subject to civil and criminal penalties. The NRC will make the applicable SGI available to Westinghouse, subject, however, to assurance from Westinghouse that it will protect the information in accordance with the requirements of 10 CFR 73.21. The staff notes that such assurance can be achieved through a contractual agreement with an existing nuclear power plant licensee (sponsoring organization) that currently implements those requirements.

In particular, the Commission has authorized the release of the February 25, 2002, interim compensatory measures for power reactors (ICMs) to Westinghouse. It should be noted that these ICMs may be largely superseded by a revised design basis threat (DBT), which the Commission intends to complete in the near future. The revised DBT will also be made available when approved. The Commission also intends to determine which, if any, security design requirements (aside from the revised DBT) will be applicable to new reactors.

If Westinghouse chooses to use a sponsoring utility, then the NRC requests the name, organization, and address of the sponsoring organization and certification from that organization that it will control the information to be provided to Westinghouse in accordance with the requirements of 10 CFR 73.21. Please send the needed information to the Document Control Desk and copy to:

Mr. John Segala
U.S. Nuclear Regulatory Commission
M/S O4-D9A
Washington, D.C. 20555

When the requested information is received, the NRC will send the specified SGI to the contact indicated at the sponsoring organization. If Westinghouse does not pursue a contractual relationship with a sponsoring utility, then you will need to demonstrate appropriate controls are in place for properly handling such information.

The NRC staff plans to schedule a meeting with Westinghouse representatives to discuss the details of how the insights gained from the September 11, 2001, events will be incorporated into the AP1000 design. The NRC staff also plans to generate a schedule for the security portion of the AP1000 Design Certification review in the near future.

If further assistance is necessary, please contact any of the people listed below.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Contacts: John Segala, NRR
301-415-1858
jps1@nrc.gov

Steven Stein, NSIR
301-415-6841
srs@nrc.gov

Dennis Gordon, NSIR
301-415-6671
dxg@nrc.gov

Stephen Koenick, NRR
301-415-1239
ssk2@nrc.gov

cc: See next page

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ADAMS ACCESSION NUMBER: ML030550572

*see previous concurrence

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Distribution for WITS #20030021 to W.E. Cummins dated February 28, 2003

Hard Copy

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NRR Mailroom (WITS #200300021)

STaylor

AP 1000

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