

March 7, 2003

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

SUBJECT: AP1000 - REQUESTS FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE (AW-03-1601)

Dear Mr. Corletti:

By your application and affidavit dated February 14, 2003, executed by Mr. James W. Winters, you submitted a revised response to AP1000 request for additional information (RAI) 440.173 and requested that portions of your response be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. A nonproprietary copy of this RAI response has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems 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 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 a license from Westinghouse constitutes a competitive advantage over other companies, 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 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.

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 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 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 or jps1@nrc.gov, Mr. Joseph Colaccino at (301) 415-2752 or jxc1@nrc.gov or Ms. Joelle Starefos at (301) 415-8488 or jls1@nrc.gov.

Sincerely,

/RA/

Joelle L. Starefos, AP1000 Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Docket No. 52-006

cc: See next page

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Sincerely,

/RA/

Joelle L. Starefos, AP1000 Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Docket No. 52-006

cc: See next page

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ACCESSION NUMBER: ML030560678 *See previous concurrence

OFFICE	NRLPO/PM	SRXB/BC*	OGC*	NRLPO/DD*
NAME	JStarefos	JWermiel	MPSiemen	MGamberoni-w/comment
DATE	3/6/03	2/26/03	3/4/03	3/4/03

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AP 1000

cc:

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