

August 11, 2004

Mr. James A. Gresham, Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: AP1000 - REQUESTS FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (AW-04-1833)

Dear Mr. Gresham:

By letter dated May 11, 2004, Mr. R. P. Vijuk, Manager, Passive Plant Engineering, AP600 & AP1000 Projects, Westinghouse Electric Company (Westinghouse), and supporting affidavit executed by Mr. James A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse, requested that the transmitted errata pages for Westinghouse Document, "WGOthic Applications to AP600 and AP1000," WCAP-15846, Revision 1, dated April 19, 2004, be withheld from public disclosure pursuant to 10 CFR 2.390. The nonproprietary copy of the April 19, 2004, transmission was not affected by these errata and 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. ML041180198). These errata pages were further revised in a subsequent letter dated June 1, 2004. Details of the June 1, 2004, applicant and affidavit follow.

By letter dated June 1, 2004, Mr. R. P. Vijuk, Manager, Passive Plant Engineering, AP600 & AP1000 Projects, Westinghouse Electric Company (Westinghouse), and supporting affidavit executed by Mr. James W. Winters, Manager, Passive Plant Projects & Development, AP600 & AP1000 Projects, Westinghouse, requested that the transmitted revised errata pages for Westinghouse Document, "WGOthic Applications to AP600 and AP1000," WCAP-15846, Revision 1, dated April 19, 2004, be withheld from public disclosure pursuant to 10 CFR 2.390. The nonproprietary copy of the April 19, 2004, transmission was not affected by these errata and 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. ML041180198).

The transmittal 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;

- (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.

In accordance with the requirements of 10 CFR 2.390, we have reviewed your application and material you designated as proprietary. On the basis of our review and your statements, we have decided that the information you marked as proprietary will be withheld from public disclosure. However, withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned (including NRC employees or contractors who have a need to know) to inspect the information withheld from public disclosure. 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); Lauren Quinones-Navarro at 415-2007, [lnq@nrc.gov](mailto:lnq@nrc.gov), or me at (301) 415-1313, [sdb1@nrc.gov](mailto:sdb1@nrc.gov).

Sincerely,

*/RA/*

Steven D. Bloom, 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

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Sincerely,

*/RA/*

Steven D. Bloom, 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: See next page

ADAMS ACCESSION NUMBER: ML042160085

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