

July 21, 2006

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

SUBJECT: AP1000 - REQUESTS FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (AW-06-2171)

Dear Mr. Gresham:

By letter dated June 30, 2006, Westinghouse Electric Company LLC (Westinghouse) submitted an affidavit dated June 30, 2006, executed by Mr. James W. Winters, which requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

WCAP-16438-P, Rev. 1, "FMEA of AP1000 Protection and Safety Monitoring System"

A nonproprietary copy of this document 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 affidavit 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; and
- (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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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 2.390(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 301-415-1313.

Sincerely,

*/RA/*

Steven D. Bloom , Senior Project Manager  
AP1000/EPR Project Branch  
Division of New Reactor Licensing  
Office of Nuclear Reactor Regulation

Project No. 740

cc: See next page.

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 301-415-1313.

Sincerely,

*/RA/*

Steven D. Bloom , Senior Project Manager  
AP1000/EPR Project Branch  
Division of New Reactor Licensing  
Office of Nuclear Reactor Regulation

Project No. 740

cc: See next page

Distribution: See next page

ADAMS ACCESSION NUMBER: ML061870615

OFFICE	NAPB:PM	EICB:BC	NAPB:BC
NAME	SBloom	AHowe	SCoffin
DATE	07/17/06	07/14/06	07/17/06

OFFICIAL RECORD COPY

HARD COPY  
SBloom

E-MAIL  
PUBLIC  
OGC  
SCoffin  
AHowe  
WBeckner  
DMatthewsJCalvo

E-Mail:  
tom.miller@hq.doe.gov or  
tom.miller@ nuclear.energy.gov  
mwetterhahn@winston.com  
whorin@winston.com  
gcesare@enercon.com  
sandra.sloan@areva.com  
louis.quintana@ge.com  
steven.hucik@ge.com  
david.hinds@ge.com  
chris.maslak@ge.com  
crpierce@southernco.com  
tomccall@southernco.com  
garry.miller@pgnmail.com  
gzinke@entergy.com  
rclary@scana.com  
pshastings@duke-energy.com  
james1beard@ge.com  
mgiles@entergy.com  
sterdia@westinghouse.com

AP 1000

cc:

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

Mr. Bradley F. Maurer, Acting Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230

Mr. Barton Z. Cowan, Esq.  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street 44<sup>th</sup> Floor  
Pittsburgh, PA 15219

Mr. Charles Brinkman, Director  
Washington Operations  
Westinghouse Electric Company  
12300 Twinbrook Parkway, Suite 330  
Rockville, MD 20852

Mr. Adrian Heymer  
Nuclear Energy Institute  
1776 I Street NW  
Suite 400  
Washington, DC 20006

Mr. David Lochbaum  
Nuclear Safety Engineer  
Union of Concerned Scientists  
1707 H Street NW, Suite 600  
Washington, DC 20006-3919

Mr. Paul Gunter  
Nuclear Information & Resource Service  
1424 16th Street, NW., Suite 404  
Washington, DC 20036

Mr. James Riccio  
Greenpeace  
702 H Street, NW, Suite 300  
Washington, DC 20001

Mr. Ed Wallace, General Manager  
Projects  
PBMR Pty LTD  
PO Box 9396  
Centurion 0046  
Republic of South Africa

Mr. Glenn H. Archinoff  
AECL Technologies  
481 North Frederick Avenue  
Suite 405  
Gaithersburg, MD. 20877

Mr. Gary Wright, Manager  
Office of Nuclear Facility Safety  
Illinois Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704

Mr. Paul Leventhal  
Nuclear Control Institute  
1000 Connecticut Avenue, NW  
Suite 410  
Washington, DC 20036

Ms. Patricia Campbell  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Mr. Brendan Hoffman  
Research Associate on Nuclear Energy  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. Ronald P. Vijuk  
Manager of Passive Plant Engineering  
AP1000 Project  
Westinghouse Electric Company  
P. O. Box 355  
Pittsburgh, PA 15230-0355

Mr. Russell Bell  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. Ron Simard  
6170 Masters Club Drive  
Suwanne, GA 30024

Ms. Sandra Sloan  
Areva NP, Inc.  
3315 Old Forest Road  
P.O. Box 10935  
Lynchburg, VA 24506-0935

Mr. George Alan Zinke  
Project Manager  
Nuclear Business Development  
Entergy Nuclear  
M-ECH-683  
1340 Echelon Parkway  
Jackson, MS 39213

Ms. Marilyn Kray  
Vice President, Special Projects  
Exelon Generation  
200 Exelon Way, KSA3-E  
Kennett Square, PA 19348

Dr. Regis A. Matzie  
Senior Vice President and  
Chief Technology Officer  
Westinghouse Electric Company  
2000 Day Hill Road  
Windsor, CT 06095-0500

Ms. Kathryn Sutton, Esq.  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Mr. Tom Clements  
6703 Gude Avenue  
Takoma park, MD 20912

Ms. Lynn Connor  
Doc-Search Associates  
2211 SW 1<sup>st</sup> Avenue #1502  
Portland, OR 97201

Mr. Jerald S. Holm  
Framatome ANP, Inc.  
3315 Old Forest Road  
P.O. Box 10935  
Lynchburg, VA 24506-0935

## NRBA COVER PAGE

DOCUMENT NAME: E:\Filenet\ML061870615.wpd

SUBJECT: AP1000 - REQUESTS FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (AW-06-2171)

ORIGINATOR: S. Bloom

SECRETARY: T. Wade

DATE: July 6, 2006

### ●●● ROUTING LIST ●●●

	NAME	DATE
1.	S. Bloom	07/ /06
2.	S. Coffin	07/ /06
3.	A. Howe	07/ /06
4.		/ /06
5.		/ /06
6.		/ /06
7.		/ /06
8.		/ /06
9.		/ /06

DOCUMENT DISPATCHED: \_\_\_ / \_\_\_ / \_\_\_

**ADAMS ACCESSION #: ML:061870615**

**TEMPLATE #:**

<p>DRAFT or FINAL</p> <p>Folder: 9 NRR/FLO            9 Copy to ADAMS DPC            Processing Folder            9 Immediate            9 Normal            9 Packaging</p>	<p>Security Rights:</p> <p>Viewer = : NRC Users            9 Restricted to _____            Owner = : Originator            9 Others <u>as appropriate</u></p>
<p>Document Type: 9 Memo 9 Letter            9 Technical Input Document            9 Other _____ (Listing - ML993570062)</p>	<p>Case/Reference #: (TAC, WITs, Yellow Ticket, etc.)</p>
<p>Availability: 9 Non-Publicly Available            or 9 Publicly Available</p>	<p>Document Sensitivity: 9 Non-Sensitive            9 Sensitive (pre-decisional) (9 Copyright)</p>
<p>Keywords: (Include Template #)</p>	<p>Comments:</p>

Quality Control Check by: \_\_\_\_\_

**Entered in ADAMS** \_\_\_ / \_\_\_ / \_\_\_  
**Official Agency Record** \_\_\_ / \_\_\_ / \_\_\_