May 25, 2007

Mr. Evan Rosenbaum, Project Manager
AP1000 Spent Fuel Storage Racks Project
Holtec International
555 Lincoln Drive
Marlton, New Jersey 08053

SUBJECT: AP1000 REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (DCP/NRC1891)

Dear Mr. Rosenbaum:

By letter dated May 17, 2007, Westinghouse Electric Company, LLC (Westinghouse) submitted an affidavit dated May 15, 2007, executed by Mr. Evan Rosenbaum, 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:

AP1000 COL Response to Request for Additional Information (TR#54)

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

(a) information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies.

(b) information which, if used by a competitor, would reduce his expenditure of resource or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of 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 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) 415-2304.

Sincerely,

/RA/

Michael J. Miernicki, Project Manager
AP1000 Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors

Project No.: 740

cc: See next page.

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