August 13, 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/NRC1963)

Dear Mr. Rosenbaum:

By letter dated July 17, 2007, Westinghouse Electric Company, LLC (Westinghouse) submitted an affidavit dated June 19, 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 #44)

A nonproprietary copy of this document, which was submitted on July 17, 2007, 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) 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, and

(d) information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International.

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 1
Division of New Reactor Licensing
Office of New Reactors

Project No. 740

cc: See next page

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.

/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

DISTRIBUTION:
PUBLIC
MMiernicki
RidsNroDnrlNwe2
RidsNroDeSeb1
RidsNroDnrl
RidsOgcMailCenter
RidsAcrsAcnwMailCenter
RidsRgn2MailCenter
RidsNroLAKGoldstien
DJaffe

ADAMS ACCESSION NUMBER: ML072060665

OFFICE	DNRL/NWE1:LA	DNRL/NWE1:PM	DE/SEB1:BC	DNRL/NWE2:BC
NAME	KGoldstein	MMiernicki	BThomas	EMcKenna
DATE	08/10/07	08/10/07	08/10/07	08/13/07

OFFICIAL RECORD COPY

cc:

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

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Barton Z. Cowan, Esquire
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

Mr. Marvin Fertel
Senior Vice President
and Chief Nuclear Officer
Nuclear Energy Institute
1776 I Street, NW
Suite 400
Washington, DC 20006-3708

Mr. Ray Ganthner
AREVA, Framatome ANP, Inc.
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

Mr. Jay M. Gutierrez
Morgan, Lewis & Bockius, LLP
1111 Keystone State Avenue, NW
Washington, DC 20004

Mr. Gary Wright
Director
Division of Nuclear Facility Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Ms. Sophie Gutner
P.O. Box 4646
Glen Allen, VA 23058

Mr. Ronald Kinney
South Carolina DHEC
2600 Bull Street
Columbia, SC 29201

Ms. Marilyn Kray
President
NuStart Energy Development, LLC
200 Exelon Way, KSA3-N
Kennett Square, PA 19348

Dr. Gail H. Marcus
U.S. Department of Energy
Room 5A-143
1000 Independence Avenue, SW
Washington, DC 20585

Dr. Regis A. Matzie
Senior Vice President and
Chief Technology Officer
Westinghouse Electric Company
20 International Drive
Windsor, CT 06095

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

Email
amonroe@scana.com (Amy Monroe)
APAGLIA@Scana.com (Al Paglia)
APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
bob.brown@ge.com (Robert E. Brown)
BrinkmCB@westinghouse.com (Charles Brinkman)
Carellmd@westinghouse.com (Mario D. Carelli)
chris.maslak@ge.com (Chris Maslak)
cristina.Ionescu@pgnmail.com (Christina Ionescu)
crpierce@southernco.com (C.R. Pierce)
CumminWE@Westinghouse.com (Edward W. Cummins)
cwaltman@roe.com (C. Waltman)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
dlochbaum@UCSUSA.org (David Lochbaum)
eddie.grant@excelservices.com (Eddie Grant)
erg-xl@cox.net (Eddie R. Grant)
frankq@hursttech.com (Frank Quinn)
garry.miller@pgnmail.com (Garry D. Miller)
gcesare@enercon.com (Guy Cesare)
greshaja@westinghouse.com (James Gresham)
gwcurtis2@tva.gov (G. W. Curtis)
gzinke@entergy.com (George Alan Zinke)
ian.c.rickard@us.westinghouse.com (Ian C. Richard)
james.beard@gene.ge.com (James Beard)
jcurtiss@winston.com (Jim Curtiss)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
jim@ncwarn.org (Jim Warren)
JJNesrsta@cpsenergy.com (James J. Nesrsta)
john.o'neil@pillsburylaw.com (John O'Neil)
Joseph.savage@ge.com (Joseph Savage)
Joseph_Hegner@dom.com (Joseph Hegner)
junichi_uchiyama@mhi.co.jp (Junichi Uchiyama)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lindg1da@westinghouse.com (Don Lindgren)
lynchs@gao.gov (Sarah Lynch - Meeting Notices Only)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
maurerbf@westinghouse.com (Brad Mauer)
media@nei.org (Scott Peterson)
mike_moran@fpl.com (Mike Moran)
mwetterhahn@winston.com (M. Wetterhahn)
mwl@nei.org (Melanie Lyons)
nirsnet@nirs.org (Michael Mariotte)
patriciaL.campbell@ge.com (Patricia L. Campbell)

paul@beyondnuclear.org (Paul Gunter)
paul.gaukler@pillsburylaw.com (Paul Gaukler)
Petrovb@westinghouse.com (Bojan Petrovic)
pshastings@duke-energy.com (Peter Hastings)
rclary@scana.com (Ronald Clary)
rgrumbir@comcast.net (Richard Grumbir)
RJB@NEI.org (Russell Bell)
RKTemple@cpsenergy.com (R.K. Temple)
robert.kitchen@pgnmail.com (Robert H. Kitchen)
roberta.swain@ge.com (Roberta Swain)
ronald.hagen@eia.doe.gov (Ronald Hagen)
sandra.sloan@areva.com (Sandra Sloan)
sfrantz@morganlewis.com (Stephen P. Frantz)
sterdia@westinghouse.com (Andrea Sterdis)
steven.hucik@ge.com (Steven Hucik)
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)
tom.miller@hq.doe.gov (Tom Miller)
tomccall@southernco.com (Tom C. Call)
trsmith@winston.com (Tyson Smith)
vijukrp@westinghouse.com (Ronald P. Vijuk)
waraksre@westinghouse.com (Rosemarie E. Waraks)
wayne.marquino@ge.com (Wayne Marquino)
whorin@winston.com (W. Horin)