

January 11,2007

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(AW-07-2333)

Dear Mr. Gresham:

By letter dated September 19, 2007, Westinghouse submitted three documents: (1) Letter LD2089FRC dated September 19, 2007 from F. Ramsey Coates of Westinghouse to the U.S. Nuclear Regulatory Commission (NRC) Concerning NRC use of Westinghouse Proprietary Information, marked as proprietary; (2) a non-proprietary application for withholding from public disclosure (AW-07-2333) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390; and (3) a non-proprietary affidavit of the same date supporting the proprietary assertion in Letter LD2089FRC.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because, among other reasons, public disclosure would be likely to cause substantial harm to the competitive position of Westinghouse.

In accordance with the requirements of 10 CFR 2.390, we have reviewed your application and the material requested to be withheld from public disclosure and, on the basis of your statements, have determined that the submitted information sought to be withheld contains information of commercial value, the public disclosure of which is likely to cause substantial competitive harm to Westinghouse. Therefore, Letter LD2089FRC dated September 19, 2007, from Westinghouse to the NRC Concerning NRC use of Westinghouse Proprietary 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. Should the need arise, we may send copies of this information to our consultants, if any, working in this area. We will, of course, ensure that the consultants understand their obligations for handling and protecting 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.

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In addition, Letter LD2089FRC has raised concerns to which you requested NRC response. The NRC is responding separately to that letter, which will likewise be withheld from public disclosure, as it would not be possible to make a meaningful public disclosure of the response without compromising the information agreed to be protected. If you have any questions about this withholding request, please contact me at (301) 415-1311.

Sincerely,

/RA/

Larry J. Burkhart, Acting Chief
US-APWR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

cc: Bruce S. Mallett
R. William Borchardt
James E. Dyer
Karen D. Cyr

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