

February 25, 2009

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

SUBJECT: AP1000 REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE FOR THE WORKING MODEL CUTSET FILES FOR  
DEVELOPMENT OR COMPARISON OF THE AP1000 SPAR MODEL

Dear Mr. Gresham:

By letter dated January 20, 2009, Westinghouse Electric Company, LLC (Westinghouse) submitted an affidavit dated January 20, 2009, executed by Mr. Robert Sisk, 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:

A proprietary copy of the CD, "Working Model Cutset Files" is used for the development or comparison of the AP1000 SPAR Model.

A nonproprietary copy of this letter, which was submitted on January 20, 2009, has been placed in the U. S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room. The proprietary copy of the CD, "Working Model Cutset Files" used for the development or comparison of the AP1000 SPAR Model will be withheld from public disclosure.

The affidavit stated that the submitted information on the CD, "Working Model Cutset Files", should be considered exempt from mandatory public disclosure because it contains commercial strategic information proprietary to Westinghouse.

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.

J. A. Gresham

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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 301-415-6447.

Sincerely,

*/RA/*

Phyllis M. Clark, Project Manager  
AP1000 Project Branch 2  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-006

cc: See next page

J. A. Gresham

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Office of New Reactors

Docket No. 52-006

cc: See next page

Distribution: See next page

PUBLIC

OGC

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KCoyne

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ADAMS ACCESSION NUMBER: ML090340642

OFFICE	DNRL/NWE2:LA	DNRL/NWE2:PM	DRA/PRAB:PM	DRA/PRAB:BC	DNRL/NWE2: BC
NAME	RButler	PClark	PAppignani	KCoyne	EMcKenna
DATE	2/11/09	2/11/09	2/20/09 By E-Mail	2/25/09	2/12/09

OFFICIAL RECORD COPY

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(Revised 02/02/2009)

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