

June 18, 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 (DCP/NRC2463)

Dear Mr. Gresham:

By letter dated May 7, 2009, Westinghouse Electric Company, LLC (Westinghouse) submitted an affidavit dated February 11, 2009, executed by Mr. Robert B. 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:

DCP/NRC2463, "AP1000 Response to Request for Additional Information (SRP7.1)"

A nonproprietary copy of this document, which was submitted on May 7, 2009, has been placed in the Nuclear Regulatory Commission's (NRC) 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 advantage economic advantage over other companies; and
- (c) its use 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.

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 the 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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DATE	6/12/09	6/15/09	6/16/09	6/18/09

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DC Westinghouse - AP1000 Mailing List

(Revised 05/21/2009)

cc:

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

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

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. Jay M. Gutierrez  
Morgan, Lewis & Bockius, LLP  
111 Pennsylvania Avenue, NW  
Washington, DC 20004

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

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

Mr. Tom Sliva  
7207 IBM Drive  
Charlotte, NC 28262

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

## DC Westinghouse - AP1000 Mailing List

### Email

agaughtm@southernco.com (Amy Aughtman)  
alsterdis@tva.gov (Andrea Sterdis)  
amonroe@scana.com (Amy Monroe)  
Antonio.Fernandez@FPL.com (Antonio Fernandez)  
APAGLIA@Scana.com (Al Paglia)  
APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
Carellmd@westinghouse.com (Mario D. Carelli)  
cberger@energetics.com (Carl Berger)  
chris.maslak@ge.com (Chris Maslak)  
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)  
doug.ellis@shawgrp.com (Doug Ellis)  
eddie.grant@excelservices.com (Eddie Grant)  
erg-xl@cox.net (Eddie R. Grant)  
garry.miller@pgnmail.com (Garry D. Miller)  
gcesare@enercon.com (Guy Cesare)  
George.Madden@fpl.com (George Madden)  
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)  
jerald.head@ge.com (Jerald G. Head)  
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'Neill@pillsburylaw.com (John O'Neill)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
junichi\_uchiyama@mnes-us.com (Junichi Uchiyama)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
lchandler@morganlewis.com (Lawrence J. Chandler)  
lindg1da@westinghouse.com (Don Lindgren)  
Marc.Brooks@dhs.gov (Marc Brooks)  
maria.webb@pillsburylaw.com (Maria Webb)  
marilyn.kray@exeloncorp.com  
mark.beaumont@wsms.com (Mark Beaumont)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)

DC Westinghouse - AP1000 Mailing List

maurerbf@westinghouse.com (Brad Maurer)  
media@nei.org (Scott Peterson)  
Mitch.Ross@fpl.com (Mitch Ross)  
MSF@nei.org (Marvin Fertel)  
mwetterhahn@winston.com (M. Wetterhahn)  
nirsnet@nirs.org (Michael Mariotte)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
paul.gaukler@pillsburylaw.com (Paul Gaukler)  
Paul.Jacobs@fpl.com (Paul Jacobs)  
Paul@beyondnuclear.org (Paul Gunter)  
pshastings@duke-energy.com (Peter Hastings)  
Raymond.Burski@fpl.com (Raymond Burski)  
rclary@scana.com (Ronald Clary)  
rgrumbir@gmail.com (Richard Grumbir)  
Richard.Orthen@fpl.com (Richard Orthen)  
RJB@NEI.org (Russell Bell)  
RKTemple@cpsenergy.com (R.K. Temple)  
robert.kitchen@pgnmail.com (Robert H. Kitchen)  
Russell.Wells@Areva.com (Russell Wells)  
sabinski@suddenlink.net (Steve A. Bennett)  
sandra.sloan@areva.com (Sandra Sloan)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
sisk1rb@wetinghouse.com (Rob Sisk)  
stephan.moen@ge.com (Stephan Moen)  
Steve.Franzone@fpl.com (Steve Franzone)  
steven.hucik@ge.com (Steven Hucik)  
Support@SaporitoEnergyConsultants.com (Thomas Saporito)  
Tansel.Selekler@nuclear.energy.gov (Tansel Selekler)  
tdurkin@energetics.com (Tim Durkin)  
Timothy.Beville@nuclear.energy.gov (Tim Beville)  
tom.miller@hq.doe.gov (Tom Miller)  
tomccall@southernco.com (Tom McCallum)  
TomClements329@cs.com (Tom Clements)  
trsmith@winston.com (Tyson Smith)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
VictorB@bv.com (Bill Victor)  
vijukrp@westinghouse.com (Ronald P. Vijuk)  
Wanda.K.Marshall@dom.com (Wanda K. Marshall)  
wayne.marquino@ge.com (Wayne Marquino)  
whorin@winston.com (W. Horin)  
william.maher@fpl.com (William Maher)