August 31, 2009

Mr. B. F. Maurer, Manager
ABWR Licensing
Westinghouse Electric Company LLC
P.O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE ABWR CONTAINMENT PRESSURE/TEMPERATURE INPUT AND RESULTS DATA FOR COMPARISON WITH NRC CONFIRMATORY ANALYSIS MODEL (PROPRIETARY)

Dear Mr. Maurer:

By letter to the U. S. Nuclear Regulatory Commission (NRC) dated August 6, 2009, you submitted an affidavit dated August 6, 2009, executed by Mr. B. F. Maurer as Manager, ABWR Licensing, Westinghouse Electric Company LLC requesting that information in the following report be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

"ABWR Containment Pressure/Temperature Input and Results Data for Comparison with NRC Confirmatory Analysis Model (Proprietary)"

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

i. This information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.

ii. This information is of a type that is customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provide the rational basis required.

iii. This information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR 2.390; it is to be received in confidence by the Commission.

iv. The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.

v. The proprietary information sought to be withheld in this submittal is that which is appropriately marked in "ABWR Containment Pressure/Temperature Input and Results Data for Comparison with NRC Confirmatory Analysis Model, (Proprietary)" for submittal to the Commission, being transmitted by South Texas Project Nuclear Operating Company (STPNOC) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is in response to the NRC audit on the containment pressure/temperature analysis for STP 3&4 on July 7, 2009, and to facilitate the NRC's review of WCAP-17058-P.

We have reviewed the August 6, 2009, letter and the affidavit 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, "ABWR Containment Pressure/Temperature Input and Results Data for Comparison with NRC Confirmatory Analysis Model, (Proprietary)" 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 301-415-1494 or George.Wunder@nrc.gov.

Sincerely,

/RA/

George F. Wunder, Senior Project Manager
ABWR Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-012 and 52-013

cc: See next page

vi. The proprietary information sought to be withheld in this submittal is that which is appropriately marked in "ABWR Containment Pressure/Temperature Input and Results Data for Comparison with NRC Confirmatory Analysis Model, (Proprietary)" for submittal to the Commission, being transmitted by South Texas Project Nuclear Operating Company (STPNOC) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is in response to the NRC audit on the containment pressure/temperature analysis for STP 3&4 on July 7, 2009, and to facilitate the NRC's review of WCAP-17058-P.

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/RA/
George F. Wunder, Senior Project Manager
ABWR Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-012 and 52-013
cc: See next page

Distribution: See next page

ADAMS Accession No. ML092360097 NRO-002

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Letter To B. F. Maurer dated August 31, 2009

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