October 14, 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 "PRE-SUBMITTAL MEETING - PLANT MODELING PROCESS: SUPPLEMENT 3 TO BISON TOPICAL REPORT RPA 90-90-P-A (PROPRIETARY)

Dear Mr. Maurer:

By letter to the U. S. Nuclear Regulatory Commission (NRC) dated August 27, 2009, you submitted an affidavit dated August 27, 2009, executed by you as Manager, ABWR Licensing, Westinghouse Electric Company LLC requesting that information in the following report is withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

> LTR-NRC-09-47 P-Enclosure, "Pre-Submittal Meeting - Plant Modeling Process: Supplement 3 to BISON Topical Report RPA 90-90-P-A (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 LTR-NRC-09-47 P-Enclosure, "Pre-Submittal Meeting - Plant Modeling Process: Supplement 3 to BISON Topical Report RPA 90-90-P-A " (Proprietary), for submittal to the Commission, being transmitted by Westinghouse letter (LTR-NRC-09-47) and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse Electric Company is that associated with the pre-submittal meeting that will be held with the NRC on September 2, 2009.

We have reviewed the August 27, 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, the LTR-NRC-09-47 P-Enclosure, "Pre-Submittal Meeting - Plant Modeling Process: Supplement 3 to BISON Topical Report RPA 90-90-P-A " 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

v. The proprietary information sought to be withheld in this submittal is that which is appropriately marked LTR-NRC-09-47 P-Enclosure, " Pre-Submittal Meeting - Plant Modeling Process: Supplement 3 to BISON Topical Report RPA 90-90-P-A " (Proprietary), for submittal to the Commission, being transmitted by Westinghouse letter (LTR-NRC-09-47) and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse Electric Company is that associated with the pre-submittal meeting that will be held with the NRC on September 2, 2009.

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George F. Wunder, Senior Project Manager
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