

December 7, 2009

Mr. Scott Head, Manager
Regulatory Affairs
STP Nuclear Operating Company
P. O. Box 289
Wadsworth, TX 77483

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
"ABWR CONTAINMENT/PRESSURE TEMPERATURE INPUT AND RESULTS
DATA REQUESTED IN RA1 06.02.01-1;-(PROPRIETARY)"

Dear Mr. Head:

By letter to the U. S. Nuclear Regulatory Commission (NRC) dated October 19, 2009, you submitted an affidavit dated October 14, 2009, executed by Mr. B.F Maurer, 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:

"ABWR Containment/Pressure Temperature Input and Results Data Requested in
RA1 06.02.01-1;-(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 Requested in RAI 06.02.01 (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 an NRC request for additional information on the containment/pressure temperature analysis for STP 3 and 4 to facilitate the NRC's review of WCAP-17058-P.

We have reviewed the October 19, 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 Requested in RA1 06.02.01-1" 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

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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

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