December 10, 2009

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

SUBJECT: RESPONSE TO REQUESTS FOR WITHHOLDING OF PROPRIETARY INFORMATION IN ACCORDANCE WITH 10 CFR PART 2, SECTION 2.390

Dear Mr. Gresham:

A number of documents that Westinghouse has submitted have been accompanied by affidavits that request that certain information, of a commercial nature, be withheld from public disclosure in accordance with the requirements of Title 10, Code of Federal Regulations, Part 2, Section 2.390, “Public inspection, exemptions, and requests for Withholding Proprietary Information.” While the majority of these requests have been dispositioned by the United States Nuclear Regulatory Commission’s (NRC) staff in a timely manner, several such withholding requests could not be dispositioned because Westinghouse did not provide the information requested by the NRC staff that was necessary to make the required determination as to whether these documents should be withheld from public disclosure. The following are the documents of immediate concern:

- DCP/NRC2077 (Westinghouse Letter Number), “Transmittal of Non-Proprietary Version of APP-GW-GLN-147 (TR-147),” ADAMS Accession Number ML080320204

- WCAP-16914-NP, "Evaluation of Debris Loading Head Loss Tests for AP1000 Recirculation Screens and In-Containment Refueling Water Storage Tank Screens," ADAMS Accession Number ML080650718

- DCP/NRC2094 (Westinghouse Letter Number), “Submittal of Proprietary and Non-Proprietary Versions of WCAP - 16914, Evaluation of Debris Loading Head Loss Tests for AP 1000 Recirculation Screens and In-Containment Refueling Water Storage Tank Screens,” ADAMS Accession Number ML080650720

- DCP/NRC2227 (Westinghouse Letter Number), “Submittal of Proprietary and Non-Proprietary Versions of APP-FA01-T2R-001, Evaluation of Debris Loading Head Loss Tests for AP1000 Simulated Fuel Assembly During Post-Accident Recirculation,” ADAMS Accession Number ML082250353

- DCP/NRC2100 (Westinghouse Letter Number), APP-GW-GSC-020, "AP1000 Protection and Safety Monitoring System Technical Specification Completion Time and Surveillance Frequency Justification," ADAMS Accession Number ML080800189

- DCP/NRC2267 (Westinghouse Letter Number), "Reviewer's Aide and Change Matrix for APP-GW-GL-700, AP 1000 Design Certification Document Revision 17," ADAMS Accession Number ML083120491

- DCP/NRC2489 (Westinghouse Letter Number), “Submittal of Proprietary Responses to Action Items from the March 18 and 19, 2009 Meeting Regarding AP1000 Shield Building Design,” ADAMS Accession Number ML091480388

The enclosed document LIC-204, Revision 3, “Handling Requests to Withhold Proprietary Information from Public Disclosure” includes our metric that “The determination should normally be made within 60 days of the date of receipt of the material.” All of the above documents have been under review by the NRC staff for substantially longer than 60 days without the subject determination having been made for the reason stated above.

Accordingly, within 60 days following receipt of this letter, please submit the information requested by the NRC staff concerning the subject documents. In the absence of this information, the NRC staff will make the conclusion that no decision concerning whether the NRC staff should withhold the subject documents from public disclosure can be made at this time and the subject documents will be returned to Westinghouse. Alternatively, Westinghouse may choose to withdraw the requests for withholding at which time the NRC staff will make the documents available to the general public. If you have any further questions or comments on this matter, please contact Eileen McKenna by telephone at (301) 415-7110 or by email at Eileen.McKenna@nrc.gov.

Sincerely,

/RA/

Eileen McKenna, Chief
AP1000 Project Branch 2
Division of New Reactor Licensing
Office of New Reactors

Enclosure:
As stated

- DCP/NRC2267 (Westinghouse Letter Number), "Reviewer's Aide and Change Matrix for APP-GW-GL-700, AP 1000 Design Certification Document Revision 17," ADAMS Accession Number ML083120491

- DCP/NRC2489 (Westinghouse Letter Number), "Submittal of Proprietary Responses to Action Items from the March 18 and 19, 2009 Meeting Regarding AP1000 Shield Building Design," ADAMS Accession Number ML091480388

The enclosed document LIC-204, Revision 3, "Handling Requests to Withhold Proprietary Information from Public Disclosure" includes our metric that "The determination should normally be made within 60 days of the date of receipt of the material." All of the above documents have been under review by the NRC staff for substantially longer than 60 days without the subject determination having been made for the reason stated above.

Accordingly, within 60 days following receipt of this letter, please submit the information requested by the NRC staff concerning the subject documents. In the absence of this information, the NRC staff will make the conclusion that no decision concerning whether the NRC staff should withhold the subject documents from public disclosure can be made at this time and the subject documents will be returned to Westinghouse. Alternatively, Westinghouse may choose to withdraw the requests for withholding at which time the NRC staff will make the documents available to the general public. If you have any further questions or comments on this matter, please contact Eileen McKenna by telephone at (301) 415-7110 or by email at Eileen.McKenna@nrc.gov.

Sincerely,

/RA/

Eileen McKenna, Chief
AP1000 Project Branch 2
Division of New Reactor Licensing
Office of New Reactors

Enclosure:
As stated
DISTRIBUTION:
PUBLIC
EMcKenna RidsNroDnrlNwe2
DJaffe RidsOgcMailCenter
PClark RidsAcrsAcnwMailCenter
ADAMS ACCESSION NUMBER: ML093240354 Letter ML093240461 Pkg

OFFICE	NRO/DNRL/NWE2:LA	NRO/DNRL/NWE2:PM	NRO/DNRL/NWE2:BC	OGC
NAME	RButler	PClark	EMcKenna	AHodgon
DATE	11/24/2009	11/30/2009	12/10/2009	12/07/2009

OFFICIAL RECORD COPY