

PROPRIETARY



Nuclear Innovation
North America LLC
4000 Avenue F, Suite A
Bay City, Texas 77414

January 24, 2012
U7-C-NINA-NRC-120006
10 CFR 2.390

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

South Texas Project
Units 3 and 4
PROJ0772

Responses to Requests for Additional Information

- References:
1. Letter from Tekia Govan to Mark McBurnett, "Request for Additional Information RE: South Texas Project Nuclear Operating Company Topical Report (TR) WCAP-17116-P, Revision 0, Supplement 5 – Application to the Advanced Boiling Water Reactor (TAC NO. RG0007)," November 9, 2011 (ML113112107)
 2. Letter from Michael Eudy to Mark McBurnett, "Request for Additional Information RE: South Texas Project Nuclear Operating Company Topical Reports (TRs) Applicable to the Advanced Water Boiling Reactor (ABWR)," January 12, 2012 (ML120100315)

Attached are the responses to the following NRC staff questions included the references:

RAI-49
RAI-50
RAI-51

The response to RAI-51 refers to an enclosed CD that contains information proprietary to Westinghouse Electric Corporation. Since this letter contains information proprietary to Westinghouse Electric Company LLC, it is supported by an affidavit signed by Westinghouse, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b) (4) of Section 2.390 of the Commission's regulations.

STI 33241920

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Accordingly, it is respectfully requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commission's regulations.

Attachments 1 through 3 contain the responses to the above RAI questions. Attachment 4 contains the request for withholding of proprietary information, the affidavit, the proprietary information notice, and the copyright notice.

The enclosed proprietary CD is for use by the NRC solely in connection with NRC review of the STP 3 & 4 fuel related topical reports. The CD is not in a format that meets pre-flight requirements. Since the CD is proprietary in its entirety, no non-proprietary version is provided. The NRC may not use the CD for any other purpose, and may not make copies of the CD. The information on the CD may not be made available in the Public Document Room or in the Agency Document Access and Management Systems (ADAMS), either externally or internally. Upon completion of NRC review, proprietary information from, or derived from, the CD should be irretrievably deleted from any computer outside the control of Westinghouse.

Correspondence with respect to the copyright or proprietary aspects of this information or the supporting Westinghouse Affidavit should reference letter CAW-12-3361 and should be addressed to: J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania, 16066.

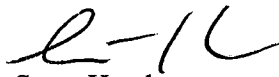
There are no commitments in this letter.

When separated from the proprietary material in the CD, this letter is non-proprietary.

If you have any questions other than those relating to the proprietary aspects of this response, please contact me at (361) 972-7136, or Bill Mookhoek at (361) 972-7274.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1/24/12



Scott Head
Manager, Regulatory Affairs
South Texas Project 3 & 4

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Attachments:

- | | |
|-----------|--|
| 1. RAI-49 | 3. RAI-51 |
| 2. RAI-50 | 4. Request for Withholding Proprietary Information |

Enclosure: Proprietary CD containing digitized data referenced in the response to RAI-51

cc: w/o attachment except*
(paper copy)

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Jamey Seely
Nuclear Innovation North America

Peter G. Nemeth
Crain, Caton & James, P.C.

Richard Peña
Kevin Pollo
L. D. Blaylock
CPS Energy

RAI-50

During the Sept 11 audit in Sweden, the staff observed that the staff SER "conditions" and "limitations" as applicable to post-SER methodology use for safety analysis are not formalized in Westinghouse-Vasteras and in Westinghouse-Windsor, even though the checklist that is used in the Westinghouse-Cranberry calculation notes does include the SER conditions and limitations as an item. Explain in detail how Westinghouse plans to assure that the Westinghouse code users located at different locations follow the staff conditions and limitations consistently.

Response to RAI-50:

In order to ensure that code users follow SER conditions and limitations regardless of work location, Westinghouse has formalized the process for capturing these items in approved topical reports via procedure EP-133, "Implementation of New/Revised USNRC Approved Topical Reports". This procedure requires that the designated methodology expert for a given topical report must complete a Corrective Actions Process (CAPs) Issue Report identifying all SER conditions and limitations. The SER limitations and conditions are then captured through CAPs commitments to update the code documentation, code error warnings, procedures, etc., to ensure that they are adhered to by any Westinghouse code user regardless of their physical location.

EP-133 was discussed during the September 11, 2011 audit in Sweden. Because the POLCA-T topical report (WCAP-16747-P-A, Revision 0) was approved prior to implementation of EP-133 (effective March 2011), Westinghouse committed to applying the requirements of EP-133 to the NRC SER for this previously approved topical report.

RAI-51

Please provide the pressure drop test data presented in the Westinghouse internal document SET 10-321 in tabular format.

Response to RAI-51:

The requested data from SET 10-321 is contained on the CD that accompanies this transmittal. This data is presented in numerical form using Microsoft® Excel® spreadsheet software in the file titled, "SET_10-321_CN_Table.xlsx." This data is proprietary in its entirety and will not be provided in the non-proprietary version of the report.

CAW-12-3361

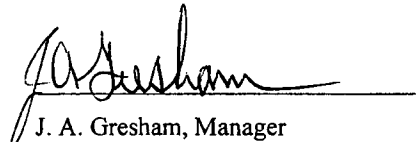
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COMMONWEALTH OF PENNSYLVANIA:

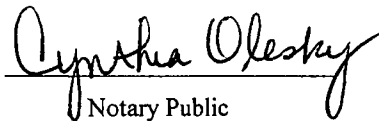
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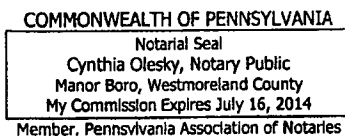
COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:


J. A. Gresham, Manager
Regulatory Compliance

Sworn to and subscribed before me
this 19th day of January 2012


Notary Public



- (1) I am Manager, Regulatory Compliance, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse Application for Withholding Proprietary Information from Public Disclosure accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
 - (ii) The information is of a type 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 provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (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 economic advantage over other companies.

- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (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.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Westinghouse system which include the following:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.

- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.
 - (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 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 contained in "Response to WCAP-17116 RAI 51" (Proprietary) for submittal to the Commission, being transmitted by Nuclear Innovation North America (NINA) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is that associated with the NRC TRACE model confirmatory analysis.

This information is part of that which will enable Westinghouse to:

- (a) Assist customers in obtaining NRC review of the Westinghouse methodologies and models as applied to current BWR and ABWR plant designs.

Further this information has substantial commercial value as follows:

- (a) Assist customer to obtain license changes.
- (b) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar fuel design and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

Further the deponent sayeth not.

PROPRIETARY INFORMATION NOTICE

Transmitted herewith is the proprietary version of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval. The document is to be considered proprietary in its entirety.

COPYRIGHT NOTICE

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.