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Director
Regulatory Affairs

Southern Nuclear
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AUG 10 2012

Docket Nos.: 52-025
52-026

ND-12-0356
10 CFR 2.390

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Southern Nuclear Operating Company
Vogtle Electric Generating Plant Unit 3&4
Transmittal of Proprietary and Non-Proprietary Presentation Slides from February 1, February 16 and March 28, 2012 First Plant Only and First Three Plant Only Meetings with the NRC

Ladies and Gentlemen:

The U.S. Nuclear Regulatory Commission (NRC) issued the Vogtle Electric Generating Plant (VEGP) Unit 3 and 4 combined licenses (COLs) (License Nos. NPF-91 and NPF-92, respectively) to Southern Nuclear Operating Company (SNC) on February 10, 2012.

The purpose of this letter is the transmittal of SNC presentation material from First Plant Only and First Three Plant Only meetings held with the NRC including associated Westinghouse Electric Company proprietary information.

This letter serves to transmit the following:

1. Information related to the February 01, 2012 meeting
 - a. Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-12-3352, accompanying Affidavit, Proprietary Information Notice, and Copyright Notice.
 - b. 1 copy of "AP1000 Overview of First-Plant-Only and First-Three-Plants-Only Test Program" (Proprietary)
 - c. 1 copy of "AP1000 Overview of First-Plant-Only and First-Three-Plants-Only Test Program" (Non-Proprietary)
2. Information related to the February 16, 2012 meeting
 - a. Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-12-3420, accompanying Affidavit, Proprietary Information Notice, and Copyright Notice.
 - b. 1 copy of "AP1000 Overview of First-Plant-Only and First-Three-Plants-Only Test Program" from Conference Call, February 16, 2012 (Proprietary)
 - c. 1 copy of "AP1000 Overview of First-Plant-Only and First-Three-Plants-Only Test Program" from Conference Call, February 16, 2012 (Non-Proprietary)

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NRO

3. Information related to the March 28, 2012 meeting
 - a. Westinghouse Application for Withholding Proprietary Information from Public Disclosure AW-12-3449, accompanying Affidavit, Proprietary Information Notice, and Copyright Notice.
 - b. 1 copy of "AP1000 Overview of First-Plant-Only and First-Three-Plants-Only Test Comprehensive Vibration Assessment Program (CVAP) Instrumentation and Analysis Plans" from March 28, 2012 meeting (Proprietary)
 - c. 1 copy of "AP1000 Overview of First-Plant-Only and First-Three-Plants-Only Test Comprehensive Vibration Assessment Program (CVAP) Instrumentation and Analysis Plans" from March 28, 2012 meeting (Non-Proprietary)

Enclosure items 1a., 2a. and 3a. are copies of the Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-12-3352, CAW-12-3420 and AW-12-3449 respectively, along with accompanying Affidavits, Proprietary Information Notices, and Copyright Notices.

Enclosure items 1b., 2b. and 3b. contain information proprietary to Westinghouse Electric Company LLC, and are supported by an affidavit signed by Westinghouse, the owner of the information. The affidavits in Enclosure item 1a., 2a. and 3a. set 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. Enclosure items 1c., 2c. and 3c. contain the non-proprietary version of each respective presentation.

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.

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavit should reference CAW-12-3352, CAW-12-3420, or AW-12-3449 as applicable and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

This letter does not contain any NRC commitments. Should you have any questions, please contact Mr. Wesley A. Sparkman at (205) 992-5061.

Mr. C. R. Pierce states that he is the Regulatory Affairs Director of Southern Nuclear Operating Company, is authorized to execute this oath on behalf of Southern Nuclear Operating Company and to the best of his knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY

C. R. Pierce

C. R. Pierce

CRP/KJP/kms

Sworn to and subscribed before me this 10th day of August, 2012

Notary Public: Dana Marie Williams

My commission expires: 12/01/2014

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Dec 1, 2014
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Enclosures:

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cc: Southern Nuclear Operating Company

Mr. S. E. Kuczynski, Chairman, President & CEO (w/o enclosures)
Mr. J. A. Miller, Executive VP, Nuclear Development
Mr. D. A. Bost, Chief Nuclear Officer (w/o enclosures)
Mr. B. L. Ivey, VP, Regulatory Affairs
Mr. M. D. Rauckhorst, VP, Vogtle 3 & 4 Construction (w/o enclosures)
Mr. D. H. Jones, VP, Regulatory Affairs, Vogtle 3 & 4
Mr. J. R. Johnson, VP, Operational Readiness, Vogtle 3 & 4 (w/o enclosures)
Mr. T. E. Tynan, Site VP, Vogtle 1 & 2
Mr. D. M. Lloyd, Project Support Director, Vogtle 3 & 4 (w/o enclosures)
Mr. C. R. Pierce, Regulatory Affairs Director
Mr. M. J. Ajluni, Nuclear Licensing Director
Mr. D. L. Fulton, Environmental Manager
Mr. C. H. Mahan, Site Licensing Manager, Vogtle 3 & 4
Ms. A. G. Aughtman, Corporate Licensing Manager, Vogtle 3 & 4
Mr. M. C. Medlock, ITAAC Project Manager, Vogtle 3 & 4
Mr. W. A. Sparkman, Licensing Supervisor
Mr. D. W. Midlik, Licensing Supervisor
Document Services RTYPE: GOV0208
File AR.01.02.06

Nuclear Regulatory Commission

Mr. V. M. McCree, Region II Administrator (w/o enclosures)
Mr. F. M. Akstulewicz, Deputy Director Div. of New Reactor Licensing (w/o enclosures)
Mr. M. E. Tonacci, AP1000 Licensing Branch Chief (w/o enclosures)
Mr. R. G. Joshi, Lead Project Manager of New Reactors
Ms. D. L. McGovern, Project Manager of New Reactors
Mr. B. M. Bavol, Project Manager of New Reactors
Ms. M. A. Sutton, Environmental Project Manager
Mr. L. M. Cain, Senior Resident Inspector of VEGP 1 & 2
Mr. J. D. Fuller, Senior Resident Inspector of VEGP 3 & 4
Mr. G. Khouri, Senior Project Engineer VEGP 3 & 4
Mr. C. Abbott, Resident Inspector of VEGP 3 & 4
Mr. C. Huffman, Resident Inspector of VEGP 3 & 4

Georgia Power Company

Mr. B.H. Whitley, Nuclear Development Director

Oglethorpe Power Corporation

Mr. M. W. Price, Executive VP and Chief Operating Officer
Mr. K. T. Haynes, Director of Contracts and Regulatory Oversight

Municipal Electric Authority of Georgia

Mr. J. E. Fuller, Senior VP, Chief Financial Officer
Mr. S. M. Jackson, VP, Power Supply

Dalton Utilities

Mr. D. Cope, President and Chief Executive Officer

Bechtel Power Corporation

Mr. J. S. Prebula, Project Engineer (w/o enclosures)
Mr. R. W. Prunty, Licensing Engineer

Tetra Tech NUS, Inc.

Ms. K. K. Patterson, Project Manager

Shaw Stone & Webster, Inc.

Mr. G. Grant, VP, Licensing & Regulatory Affairs (w/o enclosures)
Ms. K. Stoner, Vogtle Project Manager (w/o enclosures)
Mr. C. A. Castell, Licensing Engineer
Mr. E. C. Wenzinger, Licensing Engineer, Vogtle Units 3 & 4

Westinghouse Electric Company, LLC

Ms. J. Falascino, VP, Project Delivery (w/o enclosures)
Mr. T. H. Dent, VP, Consortium Project Director Vogtle Units 3 & 4 (w/o enclosures)
Mr. P. A. Russ, Director, AP1000 Global Licensing
Mr. R. A. DeLong, Director of U.S. & International Licensing (acting)
Mr. S. A. Bradley, Vogtle Project Licensing Manager
Mr. T. J. Ray, Manager, AP1000 COL Licensing Support

Southern Nuclear Operating Company

ND-12-0356

Enclosure 1a.

Vogtle Electric Generating Plant (VEGP) Unit 3&4

**Westinghouse Application for Withholding Proprietary Information from Public
Disclosure CAW-12-3352, accompanying Affidavit, Proprietary Information
Notice, and Copyright Notice.**



Westinghouse Electric Company
Nuclear Power Plants
1000 Westinghouse Drive
Cranberry Township, Pennsylvania 16066
USA

Document Control Desk
U S Nuclear Regulatory Commission
Two White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Direct tel: 412-374-6206
Direct fax: 724-940-8505
e-mail: sisk1rb@westinghouse.com
Project letter: SVP_SV0_001173

Our ref: CAW-12-3352

February 9, 2012

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

Subject: Transmittal of Presentation Slides "AP1000 Overview of First-Plant-Only and First-Three-Plants-Only Test Program," Meeting with NRC Staff, February 1, 2012 (Proprietary and Non-Proprietary)

The proprietary information for which withholding is being requested in the above-referenced letter is further identified in the affidavit signed by Westinghouse Electric Company LLC. The affidavit accompanying this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and address with specificity the considerations listed in paragraph (b) (4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by **Southern Nuclear Operating Company**.

Correspondence with respect to the proprietary aspects of this application for withholding or the accompanying affidavit should reference CAW-12-3352 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert B. Sisk".

Robert B. Sisk, Program Manager
International Licensing

CAW-12-3352
February 9, 2012

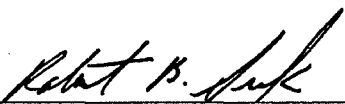
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF BUTLER:

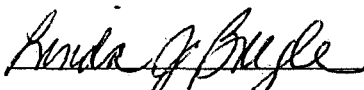
Before me, the undersigned authority, personally appeared **Robert B. Sisk**, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this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


Robert B. Sisk, Program Manager
International Licensing

Sworn to and subscribed
before me this 9th day
of February 2012.

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Linda J. Bugle, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires June 18, 2013
Member, Pennsylvania Association of Notaries


Notary Public

CAW-12-3352
February 9, 2012

- (1) I am Program Manager, International Licensing, 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" 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 constitute Westinghouse policy and provide 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.

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February 9, 2012

- (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

CAW-12-3352
February 9, 2012

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 from within the "Transmittal of Presentation Slides "AP1000 Overview of First-Plant-Only and First-Three-Plants-Only Test Program," Meeting with NRC Staff, February 1, 2012 (Proprietary) (SVP_SV0_001173), for submittal to the Commission, being transmitted by Southern Nuclear Operating Company 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 Transmittal of Presentation Slides "AP1000 Overview of First-Plant-Only and First-Three-Plants-Only Test Program", and may be used only for that purpose.

The information requested to be withheld reveals details of the AP1000 design; timing and content of procurement; sequence and method of construction; and timing and content of inspection and testing. This information was developed and continues to be developed by Westinghouse. The information is part of that which enables Westinghouse to manufacture and deliver products to utilities based on proprietary designs.

CAW-12-3352
February 9, 2012

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 commercial power reactors without commensurate expenses.

The information requested to be withheld 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.

February 9, 2012

PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

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.

Southern Nuclear Operating Company

ND-12-0356

Enclosure 2a.

Vogtle Electric Generating Plant (VEGP) Unit 3&4

**Westinghouse Application for Withholding Proprietary Information from Public
Disclosure CAW-12-3420, accompanying Affidavit, Proprietary Information
Notice, and Copyright Notice.**



Westinghouse Electric Company
Nuclear Power Plants
1000 Westinghouse Drive
Cranberry Township, Pennsylvania 16066
USA

Document Control Desk
U S Nuclear Regulatory Commission
Two White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Direct tel: 412-374-6206
Direct fax: 724-940-8505
e-mail: sisk1rb@westinghouse.com
Project letter: SVP_SV0_001194

Our ref: CAW-12-3420

February 29, 2012

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

**Subject: Transmittal of Presentation Slides "AP1000® Overview of First-Plant-Only and First-Three-Plants-Only Test Program," from Conference Call, February 16, 2012
(Proprietary and Non-Proprietary)**

The proprietary information for which withholding is being requested in the above-referenced letter is further identified in the affidavit signed by Westinghouse Electric Company LLC. The affidavit accompanying this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and address with specificity the considerations listed in paragraph (b) (4) of 10 CFR Section 2.390 of the Commission's regulations.

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Very truly yours,

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Robert B. Sisk, Program Manager
International Licensing

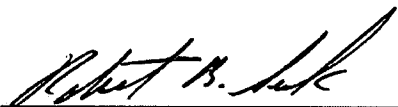
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared **Robert B. Sisk**, 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:


Robert B. Sisk, Program Manager
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Sworn to and subscribed
before me this 29th day
of February 2012.

COMMONWEALTH OF PENNSYLVANIA
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Pennsylvania Association of Notaries


Notary Public

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Southern Nuclear Operating Company

ND-12-0356

Enclosure 3a.

Vogtle Electric Generating Plant (VEGP) Unit 3&4

**Westinghouse Application for Withholding Proprietary Information from Public
Disclosure AW-12-3449, accompanying Affidavit, Proprietary Information
Notice, and Copyright Notice.**



Westinghouse Electric Company
Nuclear Power Plants
1000 Westinghouse Drive
Cranberry Township, Pennsylvania 16066
USA

U.S. Nuclear Regulatory Commission
ATTENTION: Document Control Desk
Washington, D.C. 20555

Direct tel: 412-374-6206
Direct fax: 724-940-8505
e-mail: sisk1rb@westinghouse.com

Your ref: Docket Number 52-006
Our ref: AW-12-3449

April 10, 2012

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Transmittal of Presentation Slides, "AP1000® First Plant and First Three Plant Tests
Comprehensive Vibration Assessment Program (CVAP) Instrumentation and Analysis Plans"
(Proprietary and Non-Proprietary)

The Application for Withholding is submitted by Westinghouse Electric Company LLC (Westinghouse), pursuant to the provisions of Paragraph (b) (1) of Section 2.390 of the Commission's regulations. It contains commercial strategic information proprietary to Westinghouse and customarily held in confidence.

The proprietary material for which withholding is being requested is identified in the proprietary version of the subject slides. In conformance with 10 CFR Section 2.390, Affidavit AW-12-3449 accompanies this Application for Withholding, setting forth the basis on which the identified proprietary information may be withheld from public disclosure.

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

Correspondence with respect to the proprietary aspects of this application for withholding or the accompanying affidavit should reference AW-12-3449 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert B. Sisk".

Robert B. Sisk
International Licensing Program Manager

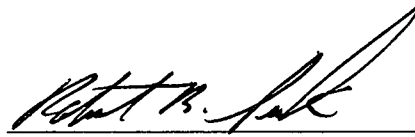
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF BUTLER:

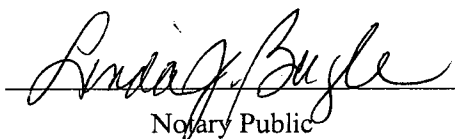
Before me, the undersigned authority, personally appeared Robert B. Sisk, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit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



Robert B. Sisk
International Licensing Program Manager

Sworn to and subscribed
before me this 10th day
of April 2012.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda J. Bugle, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires June 18, 2013
Member, Pennsylvania Association of Notaries


Notary Public

- (1) I am International Licensing Program Manager, 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" 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 appropriately marked in Presentation Slides, "AP1000® First Plant and First Three Plant Tests Comprehensive Vibration Assessment Program (CVAP) Instrumentation and Analysis Plans", being transmitted by Westinghouse letter (DCP_NRC_003210) and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse for the AP1000 Design Certification Amendment application is expected to be applicable in all licensee submittals referencing the AP1000 Design Certification and the AP1000 Design Certification Amendment Application in response to certain NRC requirements for justification of compliance of the safety system to regulations.

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

- (a) Manufacture and deliver products to utilities based on proprietary designs.

- (b) Advance the AP1000 Design and reduce the licensing risk for the application of the AP1000 Design Certification
- (c) Determine compliance with regulations and standards
- (d) Establish design requirements and specifications for the system.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of plant construction and operation.
- (b) Westinghouse can sell support and defense of safety systems based on the technology in the reports.
- (c) The information requested to be withheld reveals the distinguishing aspects of an approach and schedule 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 digital technology safety systems 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 are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

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