



Westinghouse Electric Company
Nuclear Power Plants
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USA

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

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Your ref: Project Number 740
Our ref: DCP/NRC1881

May 11, 2007

Subject: AP1000 COL Response to Request for Additional Information (TR #42 and 88)

Submittal of Proprietary and Non-Proprietary Technical Document Information, WCAP-16767-P Rev. 0 and WCAP-16767-NP Rev. 0, "Response to Request for Additional Information on Westinghouse AP1000 Combined License (COL) Pre-Application Technical Reports Number 42 and Number 88"

In support of Combined License application pre-application activities, Westinghouse is submitting responses to NRC requests for additional information (RAI) on AP1000 Standard Combined License Technical Reports 42 and 88, APP-GW-GLR-017, Rev. 0, Resolution of Common Q NRC Items for AP1000 and APP-GW-GLR-065, Rev. 0, AP1000 I&C Data Communication and Manual Control of Safety Systems and Components. These RAI responses are submitted as part of the NuStart Bellefonte COL Project (NRC Project Number 740). The information included in the responses is generic and is expected to apply to all COL applications referencing the AP1000 Design Certification.

The responses are provided for requests TR88-01 through TR88-22, transmitted in NRC letter from Steven D. Bloom to Andrea Sterdis, Subject: Westinghouse AP1000 Combined License (COL) Pre-application Technical Report 42 and 88 – Request for Additional Information (TAC Nos. MD1850 and MD3831).

Pursuant to 10 CFR 50.30(b), the responses to requests for additional information on Technical Reports 42 and 88, WCAP-16767-P (Proprietary) and WCAP-16767-NP (Non-Proprietary), are submitted as Enclosures 3 and 4 under the attached Oath of Affirmation.

It is expected that when the RAIs on Technical Reports 42 and 88 are complete, the technical reports will be revised as indicated in the responses and submitted to the NRC. The RAI responses will be included in the documents.

Also enclosed is one copy of the Application for Withholding Proprietary Information from Public Disclosure, NRC-Affadavit-001 (non-proprietary) and one copy of the associated Affidavit (non-proprietary).

This submittal contains proprietary information of Emerson Process Management, Power & Water Solutions. In conformance with the requirements of 10 CFR Section 2.390, as amended, of the Commission's regulations, we are enclosing with this submittal an Application for Withholding from

DOTA

Public Disclosure and an affidavit. The affidavit sets forth the basis on which the information identified as proprietary may be withheld from public disclosure by the Commission.

Correspondence with respect to the affidavit or Application for Withholding should reference NRC-Affadavit-001 and should be addressed to Steve Schilling, Vice President, Product Development, 200 Beta Drive, Pittsburgh, Pennsylvania 15238.

Questions or requests for additional information related to the content and preparation of this response should be directed to Westinghouse. Please send copies of such questions or requests to the prospective applicants for combined licenses referencing the AP1000 Design Certification. A representative for each applicant is included on the cc: list of this letter.

Very truly yours,



A. Sterdis, Manager
Licensing and Customer Interface
Regulatory Affairs and Standardization

/Attachment

1. "Oath of Affirmation," dated May 11, 2007

/Enclosures

1. NRC-Affadavit-001 "Application for Withholding Proprietary Information from Public Disclosure," dated April 10, 2007
2. NRC-Affadavit-001, Affidavit, dated April 10, 2007
3. WCAP-16767-P, "Response to Request for Additional Information on Westinghouse AP1000 Combined License (COL) Pre-Application Technical Reports Number 42 and Number 88", April 2007
4. WCAP-16767-NP, "Response to Request for Additional Information on Westinghouse AP1000 Combined License (COL) Pre-Application Technical Reports Number 42 and Number 88", April 2007

cc:	S. Bloom	- U.S. NRC	1E	1A
	S. Coffin	- U.S. NRC	1E	1A
	G. Curtis	- TVA	1E	1A
	P. Grendys	- Westinghouse	1E	1A
	P. Hastings	- Duke Power	1E	1A
	C. Ionescu	- Progress Energy	1E	1A
	D. Lindgren	- Westinghouse	1E	1A
	A. Monroe	- SCANA	1E	1A
	M. Moran	- Florida Power & Light	1E	1A
	C. Pierce	- Southern Company	1E	1A
	E. Schmiech	- Westinghouse	1E	1A
	G. Zinke	- NuStart/Entergy	1E	1A

ATTACHMENT 1

“Oath of Affirmation”

ATTACHMENT 1

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of:)
NuStart Bellefonte COL Project)
NRC Project Number 740)

APPLICATION FOR REVIEW OF
"AP1000 GENERAL COMBINED LICENSE INFORMATION"
FOR COL APPLICATION PRE-APPLICATION REVIEW

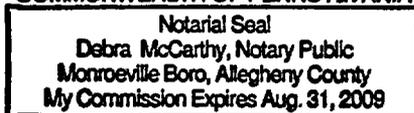
W. E. Cummins, being duly sworn, states that he is Vice President, Regulatory Affairs & Standardization, for Westinghouse Electric Company; that he is authorized on the part of said company to sign and file with the Nuclear Regulatory Commission this document; that all statements made and matters set forth therein are true and correct to the best of his knowledge, information and belief.



W. E. Cummins
Vice President
Regulatory Affairs & Standardization

Subscribed and sworn to
before me this 11th day
of May 2007.

COMMONWEALTH OF PENNSYLVANIA



Member, Pennsylvania Association of Notaries


Notary Public

ENCLOSURE 1

NRC-Affadavit-001

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



Emerson Process Management
Power & Water Solutions Inc.
200 Beta Drive
Pittsburgh, PA 15238

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

Direct tel: 412-963-3688
Direct fax: 412-963-3700
e-mail: Steven.schilling@emersonprocess.com

Your ref: Project Number 740
Our ref: NRC-Affadavit-001

April 10, 2007

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

Subject: Transmittal of Proprietary and Non-Proprietary Information, WCAP-16767-P, Rev. 0 and WCAP-16767-NP, Rev. 0, "Response to NRC Request for Additional Information on Westinghouse AP1000 Combined License (COL) Pre-Application Technical Reports Number 42 and Number 88"

The Application for Withholding is submitted by Emerson Process Management, Power & Water Solutions, pursuant to the provisions of Paragraph (b) (1) of Section 2.390 of the Commission's regulations. It contains commercial strategic information proprietary to Emerson Process Management, Power & Water Solutions and customarily held in confidence.

The proprietary material for which withholding is being requested is identified in the proprietary version of the subject report. In conformance with 10 CFR Section 2.390, Affidavit NRC-Affadavit-001 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 Emerson Process Management, Power & Water Solutions be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commission's regulations.

Correspondence with respect to this Application for Withholding or the accompanying affidavit should reference NRC-Affadavit-001 and should be addressed to Steve Schilling, Vice President, Product Development, 200 Beta Drive, Pittsburgh, Pennsylvania 15238.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Schilling', written over a printed name.

Steve Schilling
Vice President Product Development
Emerson Process Management, Power & Water Solutions

cc: J. Thompson - U.S. NRC

bcc:	J. A. Gresham	- Westinghouse, Pittsburgh, PA, EC E4-7A	1L
	R. Bastien	- Nivelles, Belgium	1L
	C. Brinkman	- Westinghouse, Rockville, MD	1L
	RCPL Admin	- Westinghouse, Pittsburgh, PA, EC E4-7A	1L

ENCLOSURE 2

Affidavit

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Steve Schilling, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Emerson Process Management, Power & Water Solutions (Emerson), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:

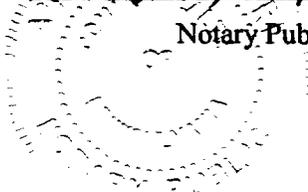


Steve Schilling
VP Product Development
Emerson Process Management
Power & Water Solutions

Sworn to and subscribed
before me this *10th* day *April*
of April 2007.



Notary Public



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Anita S. Brogneri, Notary Public
O'Hara Twp., Allegheny County
My Commission Expires July 25, 2010
Member, Pennsylvania Association of Notaries

- (1) I am Steve Schilling, Vice President, Product Development, Emerson Process Management, Power & Water Solutions (Emerson), 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 Emerson.
- (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 Emerson "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Emerson 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 Emerson.
 - (ii) The information is of a type customarily held in confidence by Emerson and not customarily disclosed to the public. Emerson 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 Emerson 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 Emerson competitors without license from Emerson 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 Emerson, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Emerson or customer funded development plans and programs of potential commercial value to Emerson.
- (f) It contains patentable ideas, for which patent protection may be desirable.

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

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

- (e) Unrestricted disclosure would jeopardize the position of prominence of Emerson in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Emerson 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 WCAP-16767-P, Rev. 0 and WCAP-16767-NP, Rev. 0, "Response to NRC Request for Additional Information on Westinghouse AP1000 Combined License (COL) Pre-Application Technical Reports Number 42 and Number 88" and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse for the AP1000 Combined License (COL) Pre-Application Technical Reports is expected to be applicable in other licensee submittals 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 Emerson to:

- (a) Manufacture and deliver products to utilities based on proprietary system 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) Emerson plans to sell the use of similar information to its customers for purposes of plant control and operation.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Emerson 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 Emerson effort and the expenditure of a considerable sum of money.

In order for competitors of Emerson 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.

ENCLOSURE 3

Westinghouse Proprietary

WCAP-16767-P, Rev. 0

**“Response to Request for Additional Information on Westinghouse AP1000 Combined License (COL)
Pre-Application Technical Reports Number 42 and Number 88”**

April 2007