Westinghouse

Westinghouse Electric Company
Nuclear Power Plants
P.O. Box 355
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USA

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

Direct tel: 412-374-6306
Direct fax: 412-374-5005
e-mail: sterdia@westinghouse.com

Your ref: Project Number 740
Our ref: DCP/NRC2045

November 21, 2007

Subject: AP1000 COL Standard Technical Report Submittal of APP-GW-GLR-084 (TR84), Revision 1 Submittal of Proprietary and Non-Proprietary Technical Document Information, WCAP-16796-P Rev. 1 and WCAP-16796-NP Rev. 1, "AP1000 Human Factors Engineering Verification and Validation"

In support of Combined License application pre-application activities, Westinghouse is submitting Revision 1 of AP1000 Standard Combined License Technical Report Number 84. This report addresses, on a generic basis, activities required for Combined Operating License (COL) Information Item 18.11-1 in the AP1000 Design Control Document. Changes to the Design Control Document identified in Technical Report Number 84 have been included in Revision 16 of the AP1000 Design Control Document. The purpose of this Revision to TR84 is to more clearly describe the method being used to address COL Information Item 18.11-1 as discussed and agreed upon in a teleconference between Don Lindgren and Bill Gleaves on October 22, 2007. This report is submitted as part of the NuStart Bellefonte COL Project (NRC Project Number 740). The information included in this report is generic and is expected to apply to all COL applications referencing the AP1000 Design Certification.

The purpose for submittal of this report was explained in a March 8, 2006 letter from NuStart to the NRC.

Pursuant to 10 CFR 50.30(b), WCAP-16796-P (Proprietary) and WCAP-16796-NP (Non-Proprietary), Revision 1 (APP-GW-GLR-084, Technical Report Number 84), are submitted as Enclosures 3 and 4 under the attached Oath of Affirmation. Revision 0 of TR84 was submitted on May 25, 2007 under Westinghouse letter DCP/NRC1905.

It is expected that when the NRC review of Technical Report Number 84 is complete, COL Information Item 18.1 1-1 will be considered addressed for COL applicants referencing the AP 1000 Design Certification.

Also enclosed is one copy of the Application for Withholding, AW-07-2360 (non-proprietary) with Proprietary Information Notice, and one copy of the associated Affidavit (non-proprietary).

This submittal contains proprietary information of Westinghouse Electric Company, LLC. 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 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.

D063
D079
NRO

Correspondence with respect to the affidavit or Application for Withholding should reference AW-07-2360 and should be addressed to James A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Questions or requests for additional information related to content and preparation of this report 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.

Westinghouse requests the NRC to provide a schedule for review of the technical report within two weeks of its submittal.

Very truly yours,

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

/Attachment

1. "Oath of Affirmation," dated November 21, 2007

/Enclosure

1. AW-07-2360 "Application for Withholding Proprietary Information from Disclosure," dated November 21, 2007

2. AW-07-2360, Affidavit, Proprietary Information Notice, Copyright Notice dated November 21, 2007

3. WCAP-16796-P, Rev. 1 (Proprietary), "AP1000 Human Factors Engineering Verification and Validation," dated November 2007

4. WCAP-16796-NP, Rev. 1 (Non-Proprietary), "AP1000 Human Factors Engineering Verification and Validation," dated November 2007

cc:	D. Jaffe	-	U.S. NRC	1E	1A
	E. McKenna	-	U.S. NRC	1E	1A
	G. Curtis	-	TVA	1E	1A
	P. Hastings	-	Duke Power	1E	1A
	C. Ionescu	-	Progress Energy	1E	1A
	A. Monroe	-	SCANA	1E	1A
	J. Wilkinson	-	Florida Power & Light	1E	1A
	C. Pierce	-	Southern Company	1E	1A
	E. Schmiech	-	Westinghouse	1E	1A
	G. Zinke	-	NuStart/Entergy	1E	1A
	R. Grumbir	-	NuStart	1E	1A
	P. Hunton	-	Westinghouse	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 and 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 and Standardization

Subscribed and sworn to
before me this 21st day
of November 2007.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Patricia S. Aston, Notary Public
Murrysville Boro, Westmoreland County
My Commission Expires July 11, 2011
Member, Pennsylvania Association of Notaries

Notary Public

ENCLOSURE 1

AW-07-2360

APPLICATION FOR WITHHOLDING
PROPRIETARY INFORMATION FROM DISCLOSURE

Westinghouse

Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355
USA

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

Direct tel: 412-374-6306
Direct fax: 412-374-5005
e-mail: sterdia@westinghouse.com

Your ref: Project Number 740
Our ref: AW-07-2360

November 21, 2007

APPLICATION FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE

Subject: Transmittal of Proprietary Information, AP1000 Human Factors Engineering Verification and Validation

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 report. In conformance with 10 CFR Section 2.390, Affidavit AW-07-2360 accompanies this Application for Withholding, setting forth the basis on which the identified proprietary information may be withheld from public disclosure.

Accordingly, it is respectively 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 this Application for Withholding or the accompanying affidavit should reference AW-07-2360 and should be addressed to James A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, LLC, P.O. Box 355, Pittsburgh, Pennsylvania, 15230-0355.

Very truly yours,

James A. Gresham
Manager
Regulatory Compliance and Plant Licensing

cc: J. Thompson - U.S. NRC

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ENCLOSURE 2

Affidavit

AW-07-2360
November 21, 2007

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared James 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:

James A. Greshm
Manager
Regulatory Compliance and Plant Licensing

Sworn to and subscribed
before me this 21st day
of November 2007.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sharon L. Markle, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires Jan. 29, 2011
Member, Pennsylvania Association of Notaries

Sharon L. Markle
Notary Public

(1) I am Manager, Regulatory Compliance and Plant 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 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 WCAP-16796-P (Proprietary), in support of Combined License application pre-application activities for the NuStart Bellefonte COL Project being transmitted by Westinghouse letter (DCP/NRC2045) and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse for the AP1000 NuStart Bellefonte plant 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 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.

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.

ENCLOSURE 3

Westinghouse Proprietary

WCAP-16796-P, Rev. 1

"AP1000 Human Factors Engineering Verification and Validation"

AP1000 DOCUMENT COVER SHEET

TDC: _____ Permanent File: _____

AP1000 DOCUMENT NO.	REVISION	PAGE	ASSIGNED TO	OPEN ITEMS (Y/N)
APP-GW-GLR-084	1	1 of 12	W-STRONG	

ALTERNATE DOCUMENT NUMBER: WCAP-16796-P WORK BREAKDOWN #: GW

ORIGINATING ORGANIZATION: Westinghouse Electric Company, LLC

TITLE: **AP1000 Human Factors Engineering Verification and Validation**

ATTACHMENTS: WCAP-16796-P	DCP #/REV. INCORPORATED IN THIS DOCUMENT REVISION: Class 3 changes listed in Section 1.1, "Revision History"
CALCULATION/ANALYSIS REFERENCE:	

ELECTRONIC FILENAME	ELECTRONIC FILE FORMAT	ELECTRONIC FILE DESCRIPTION
APP-GW-GLR-084	PDF	See EDMS

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☐ WESTINGHOUSE NON PROPRIETARY CLASS 3

Class 3 Documents being transmitted to the NRC require the following two review signatures in lieu of a Form 36.

LEGAL REVIEW	SIGNATURE / DATE
PATENT REVIEW	SIGNATURE / DATE

☒ WESTINGHOUSE PROPRIETARY CLASS 2

This document is the property of and contains Proprietary Information owned by Westinghouse Electric Company LLC and/or its subcontractors and suppliers. It is transmitted to you in confidence and trust, and you agree to treat this document in strict accordance with the terms and conditions of the agreement under which it was provided to you.

ORIGINATOR(S) P.J. Hunton	SIGNATURE / DATE ***Electronically Approved****	
REVIEWER(S) J.I. Reed	SIGNATURE / DATE ***Electronically Approved****	
A. Sterdis	SIGNATURE / DATE ***Electronically Approved****	
	SIGNATURE / DATE	
VERIFIER(S) S.A. Alvarez	SIGNATURE / DATE ***Electronically Approved****	Verification Method Independent Review

****Plant Applicability**:** ☒ All AP1000 plants except: No exceptions
☐ Only the following plants:

APPLICABILITY REVIEWER** J. Speer	SIGNATURE / DATE ***Electronically Approved****
RESPONSIBLE MANAGER* J.S. Strong	SIGNATURE / DATE ***Electronically Approved****

* Approval of the responsible manager signifies that the document and all required reviews are complete, the appropriate proprietary class has been assigned, electronic file has been provided to the EDMS, and the document is released for use.

*** ***Electronically approved records are authenticated in the electronic document management system.***