



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

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

Direct tel: 412-374-6206
Direct fax: 412-374-5005
e-mail: sisk1rb@westinghouse.com

Your ref: Docket No. 52-006
Our ref: DCP/NRC2119

April 11, 2008

Subject: AP1000 COL Response to Request for Additional Information (SRP7.2.3)

Westinghouse is submitting a response to the NRC request for additional information (RAI) on Standard Review Plan (SRP) Section 7.2.3. This RAI response is submitted in support of the AP1000 Design Certification Amendment Application (Docket No. 52-006). The information included in the response is generic and is expected to apply to all COL applications referencing the AP1000 Design Certification and the AP1000 Design Certification Amendment Application.

A response is provided for RAI-SRP7.2.3-ICE1-01 as sent in an email from Dave Jaffe to Sam Adams dated March 5, 2008. This response completes all requests received to date for SRP Section 7.2.3.

Pursuant to 10 CFR 50.30(b), proprietary and non-proprietary versions of the response to the request for additional information on SRP Section 7.2.3, are submitted as Enclosures 3 and 4 under the attached Oath of Affirmation. Also enclosed is one copy of the Application for Withholding, AW-08-2410 (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.

Correspondence with respect to the affidavit or Application for Withholding should reference AW-08-2410 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 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.

*DOB3
NRC*

Very truly yours,


Robert Sisk, Manager
Licensing and Customer Interface
Regulatory Affairs and Standardization

/Attachment

1. "Oath of Affirmation," dated April 11, 2008

/Enclosure

1. AW-08-2410 "Application for Withholding Proprietary Information from Disclosure," dated April 11, 2008
2. AW-08-2410, Affidavit, Proprietary Information Notice, Copyright Notice dated April 11, 2008
3. Response to Request for Additional Information on SRP Section 7.2.3, RAI-SRP7.2.3-ICE1-01 (Proprietary)
4. Response to Request for Additional Information on SRP Section 7.2.3, RAI-SRP7.2.3-ICE1-01-NP (Non-Proprietary)

cc:	P. Buckberg	- U.S. NRC	1E	1A
	E. McKenna	- U.S. NRC	1E	1A
	P. Ray	- TVA	1E	1A
	P. Hastings	- Duke Power	1E	1A
	R. Kitchen	- 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
	B. Moore	- Westinghouse	1E	1A

ATTACHMENT 1

“Oath of Affirmation”

ATTACHMENT 1

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of:)
AP1000 Design Certification Amendment Application)
NRC Docket Number 52-006)

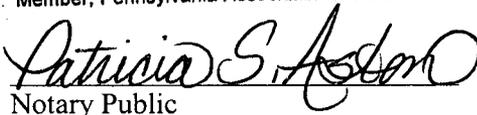
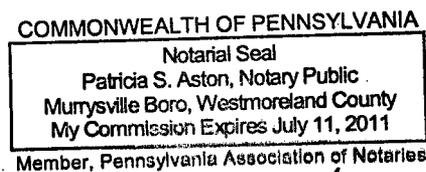
APPLICATION FOR REVIEW OF
"AP1000 GENERAL INFORMATION"
FOR DESIGN CERTIFICATION AMENDMENT APPLICATION REVIEW

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 April 2008.



Notary Public

ENCLOSURE 1

AW-08-2410

APPLICATION FOR WITHHOLDING
PROPRIETARY INFORMATION FROM DISCLOSURE



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: 412-374-6206
Direct fax: 412-374-5005
e-mail: sisk1rb@westinghouse.com

Your ref: Docket Number 52-006
Our ref: AW-08-2410

April 11, 2008

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Submittal of Proprietary and Non-Proprietary Technical Information, Response to Request for Additional Information (RAI) on SRP Section 7.2.3

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 RAI response. In conformance with 10 CFR Section 2.390, Affidavit AW-08-2410 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 this Application for Withholding or the accompanying affidavit should reference AW-08-2410 and should be addressed to James A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, LLC, P.O. Box, Pittsburgh, Pennsylvania, 15230-0355.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James W. Winters'.

James W. Winters
Manager
Standardization and Configuration Management

cc: J. Thompson - U.S. NRC

AW-08-2410
April 11, 2008

ENCLOSURE 2

Affidavit

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

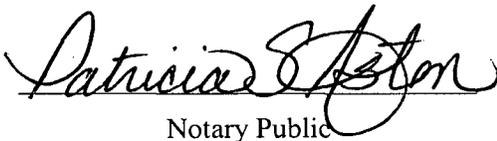
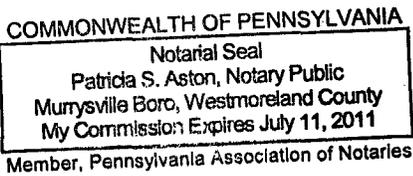
COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared James W. Winters, 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 W. Winters
Manager
Standardization and Configuration Management

Sworn to and subscribed
before me this *11th* day
of April 2008.



Notary Public

- (1) I am Manager, Standardization and Configuration Management, 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 RAI-SRP7.2.3-ICE1-01, in support of the AP1000 Design Certification Amendment Application, being transmitted by Westinghouse letter (DCP/NRC2119) 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.

ENCLOSURE 4

Response to Request for Additional Information on SRP Section 7.2.3

RAI-SRP7.2.3-ICE1-01-NP

(Non-Proprietary)

WESTINGHOUSE NON-PROPRIETARY CLASS 3

AP1000 TECHNICAL REPORT REVIEW

Response to Request For Additional Information (RAI)

RAI Response Number: RAI-SRP7.2.3-ICE1-01-NP

Revision: 0

Question:

Demonstrate how the PMS System meets GDC 21-Protection System Reliability and Testability and IEEE-603-1991 Clause 5.1 the Single Failure Criterion. The FMEA does not detail all possible initial system states which are required for a comprehensive and complete single failure analysis. Although the Westinghouse report WCAP-16438-P - FMEA of AP1000 Protection and Safety Monitoring System, provides a good starting point detailing failure modes from a fully operational system, it lacks detailed analysis from a less than fully operational system.

Refer to IEEE-603 1991 Clause 5.1 Single Failure Criterion, 10 CFR 50 Appendix A General Design Criteria 21 - Protection System Reliability and Testability and NUREG-1793, Chapter 7, (pg. 7-19) PSAI 6.10 for additional guidance.

Westinghouse Response:

a.c

The next revision of the FMEA will provide a more detailed discussion of the planned test and maintenance modes, and the compliance to the Single Failure Criterion during these modes. This revision is scheduled to be completed in June 2008.

WESTINGHOUSE NON-PROPRIETARY CLASS 3

AP1000 TECHNICAL REPORT REVIEW

Response to Request For Additional Information (RAI)

Design Control Document (DCD) Revision:

None

PRA Revision:

None

Technical Report (TR) Revision:

WCAP 16438-P "FMEA of AP1000 Protection and Safety Monitoring System" (Technical Report 43) will be revised (becoming Rev. 2) to contain a detailed discussion of the Single Failure Criterion in off-normal modes of operation.