

Ronald B. Clary
Vice President
New Nuclear Deployment



September 24, 2009
NND-09-0275

Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555-0001

Attention: Document Control Desk

Subject: Virgil C. Summer Nuclear Station Units 2 and 3
Docket Numbers 52-027 and 52-028
Affidavits for Project Timeline for V. C. Summer Nuclear Station Units 2
and 3

References: SCE&G Letter NND-09-0238, "Project Timeline for V. C. Summer
Nuclear Station Units 2 and 3, Docket Numbers 52-027 and 52-028,
dated August 7, 2009"

In the referenced letter, South Carolina Electric & Gas Company submitted a Project Timeline for V. C. Summer Nuclear Station (VCSNS) Units 2 and 3 in support of U. S. Nuclear Regulatory Commission (NRC) Headquarters and Region II regarding the Construction Inspection Program for VCSNS Units 2 and 3. The information was developed by the engineering, procurement, and construction contractor for VCSNS Units 2 and 3, a Consortium comprised of Westinghouse Electric Company, LLC (Westinghouse) and Stone & Webster (a Shaw Group).

The Project Timeline for VCSNS Units 2 and 3 that was provided contains information which is considered proprietary (i.e., trade secrets) to both Westinghouse and Stone & Webster, thus, a Westinghouse authorization letter CAW-09-2677 is attached and is supported by affidavits for withholding executed by both Westinghouse and Stone & Webster, owners of the information. The affidavits set forth the basis on which future updates to scheduling information may be withheld from public disclosure by the NRC and address with specificity the considerations listed in paragraph (b) (4) of regulation 10 CFR 2.390. Also enclosed are a Proprietary Information Notice and a Copyright Notice.

Accordingly, it is respectfully requested that the enclosed schedule information, including future updates, which is proprietary to Westinghouse and Stone & Webster, be withheld from public disclosure (i.e., non-publicly available) in accordance with 10 CFR 2.390.

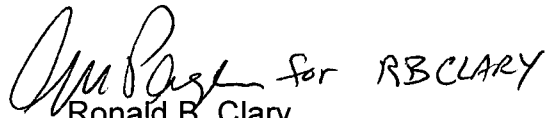
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NRW

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Application for Withholding Proprietary Information from Public Disclosure should reference Westinghouse letter CAW-09-2677 and be addressed to Mr. Robert B. Sisk, Manager, AP1000 Licensing and Customer Interface, 1000 Westinghouse Drive, Cranberry Township, PA 16066.

Please note that the schedule information entitled "V. C. Summer – ITAAC Predecessor Report," and "V. C. Summer Project Timeline," that accompanied the referenced letter are proprietary in their entirety; thus, non-proprietary versions are not provided.

If you have any questions regarding this letter, please contact Mr. Al Paglia at 803-345-4191.

Sincerely,


Ronald B. Clary
Vice President
New Nuclear Deployment

JH/RBC/jh

- Enclosures: 1) Westinghouse letter CAW-09-2677 "Application for Withholding Proprietary Information from Public Disclosure" with Westinghouse and Stone & Webster Affidavits
2) Proprietary Information Notice and Copyright Notice

c (with Enclosures):
Document Control Desk
George Khouri
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C (without Enclosures):
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Marion Cherry - Santee Cooper
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Ronald B. Clary
Randolph R. Mahan
Bill McCall - Santee Cooper
Fredrick P. Hughes – Consortium
Robert B. Sisk - Westinghouse
Grayson Young – Shaw

ENCLOSURE 1

South Carolina Electric & Gas Company

NND-09-0275

Westinghouse letter CAW-09-2677 dated September 23, 2009, with Westinghouse and Stone & Webster affidavits.

This enclosure contains a 13 page document.



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, DC 20555-0001

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

VSP_VSG_000306
Our ref: CAW-09-2677

September 23, 2009

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Project Timeline for V. C. Summer Nuclear Station Units 2 and 3, Docket Numbers 52-027 and 52-028, dated August 7, 2009, NND-09-0238

The proprietary information for which withholding is being requested in the above-referenced letter is further identified in affidavits signed by the owners of the proprietary information, Westinghouse Electric Company LLC and Stone & Webster (a Shaw Group). The affidavits, which accompany this letter, set 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 affidavits by South Carolina Electric & Gas.

Correspondence with respect to this Application for Withholding or the accompanying affidavits should reference CAW-09-2677 and should be addressed to Robert B. Sisk, Manager, AP1000 Licensing and Customer Interface, 1000 Westinghouse Drive, Cranberry Township, PA 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert B. Sisk', written in a cursive style.

Robert B. Sisk, Manager
AP100 Licensing and Customer Interface

cc: G. Bacuta - U.S. NRC

ENCLOSURE 1

Westinghouse Affidavit

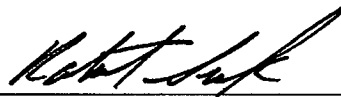
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COMMONWEALTH OF PENNSYLVANIA:

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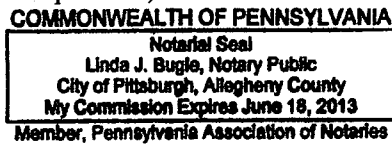
COUNTY OF ALLEGHENY:

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, Manager
AP1000 Licensing and Customer Interface
Regulatory Affairs and Standardization

Sworn to and subscribed
before me this 23th day
of September, 2009.


Notary Public

- (1) I am Manager, AP1000 Licensing and Customer Interface, Regulatory Affairs and Standardization, 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.

- (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 is schedule information for use by South Carolina Electric & Gas in support of periodic updates with NRC Region II regarding the Construction Inspection Program for V. C. Summer Units 2 & 3. The documents and files contain and will contain data that can be used to reproduce schedules for engineering, procurement, construction and testing. Transmittal of schedule information to support the Construction Inspection Program is described in SECY-06-0114 dated May 13, 2006, "Description of the Construction Inspection Program for Plants Licensed Under 10 CFR Part 52."

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.

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.

ENCLOSURE 2

Stone & Webster Affidavit

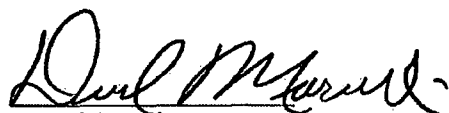
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STATE OF NORTH CAROLINA:

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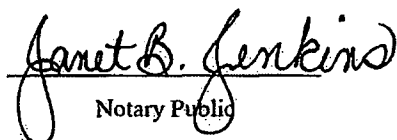
COUNTY OF MECKLENBERG:

Before me, the undersigned authority, personally appeared David Marcelli, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Shaw Group Inc., and that the statements of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:

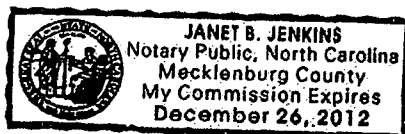


David Marcelli
Project Manager V. C. Summer
Project

Sworn to and subscribed
before me this 22nd day
of September 2009.



Notary Public



(1) I am Project Manager, V.C. Summer Project, The Shaw Group Inc. (Shaw), and as such, I have reviewed the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing proceedings, and am authorized to apply for its withholding on behalf of Shaw.

(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 "Application for Withholding" accompanying this Affidavit.

(3) I have personal knowledge of the criteria utilized by Shaw 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 Shaw.

ii) The information is of a type customarily held in confidence by Shaw and not customarily disclosed to the public. Shaw has a rational basis for determining the types of information customarily held in confidence by it.

The 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 Shaw's competitors without license from Shaw 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 Shaw, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Shaw or customer funded development plans and programs of potential commercial value to Shaw.
- (f) It contains patentable ideas, for which patent protection may be desirable.

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

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

- (e) Unrestricted disclosure would jeopardize the position of prominence of Shaw in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Shaw 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 protected is schedule information and Project Timeline for VCSNS Units 2 and 3, entitled "V.C. Summer – ITAAC Predecessor Report", which is being transmitted with the accompanying letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk.

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

- (a) Manufacture and deliver products to utilities based on proprietary designs.
- (b) Determine compliance with regulations and standards
- (c) Establish design requirements and specifications for the system.

Further this information has substantial commercial value as follows:

- (a) Shaw plans to sell the use of similar information to its customers for purposes of plant construction and operation.

- (b) Shaw 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 Shaw.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Shaw because it would enhance the ability of competitors to provide similar systems and 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 Shaw effort and the expenditure of a considerable sum of money.

In order for competitors of Shaw 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.

ENCLOSURE 2

South Carolina Electric & Gas Company

NND-09-0275

PROPRIETARY INFORMATION NOTICE and COPYRIGHT NOTICE

This enclosure contains a 1 page document.

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.