

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

October 19, 2009

Subject: Shaw Module Fabrication Schedule (Proprietary/Non-Proprietary)

Enclosed are copies of the Proprietary/Non-Proprietary versions of the final slides of the Shaw Module Fabrication Schedule presented to the NRC at the meeting in the Westinghouse Cranberry PA office on September 10, 2009

Also enclosed is:

1. One (1) copy of the Application for Withholding,
2. One (1) copy of Affidavit

This submittal contains proprietary information of the Shaw Group Inc. 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 be addressed to:

Charles Cronan
Vice President, Nuclear Engineering
128 S. Tryon, Suite 600
Charlotte, NC 28202

Very Truly Yours,



Charles Cronan
Vice President, Nuclear Engineering

Enclosures

cc: K. Niemer
J. Oddo

D083
D092

NRE

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

October 19, 2009

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Submittal of Proprietary Information from the Shaw Group, Inc. (Shaw) presented to the NRC at the Westinghouse Cranberry, PA offices on September 10, 2009.

This Application for Withholding is submitted by Shaw pursuant to the provisions of 10 CFR 2.390(b)(1) of the Commission's regulations. The Enclosure (Proprietary Presentation Shaw Module Fabrication Schedule 09 10 09) contains commercial strategic information proprietary to Shaw, and customarily held in confidence.

The proprietary material, for which withholding is being requested, is identified in the proprietary version of the subject presentation in accordance with Section (4)(ii) of the Affidavit. In conformance with 10 CFR 2.390, a duly prepared and signed Affidavit accompanies this Application for Withholding, setting forth the basis on which the proprietary information may be withheld from public disclosure.

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

Correspondence with respect to this Application for Withholding should be addressed to Charles Cronan, Vice President, Nuclear Engineering, 128 S. Tryon Suite 600, Charlotte NC, 28202.

Very truly yours,

Charles Cronan
Vice President, Nuclear Engineering

AFFIDAVIT

STATE OF NORTH CAROLINA:

ss

COUNTY OF MECKLENBERG:

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



Charles Cronan

Sworn to and subscribed
before me this 20 day
of October, 2009.





Notary Public

Kelly C. Clemons

(1) I am Vice President, Shaw, 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 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 10 CFR 2.390(b)(4) 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 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 follows this affidavit and was presented by Shaw to the NRC at the Westinghouse Cranberry, PA offices on September 10, 2009 and has been requested by NRC.

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 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 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.

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 (where provided) is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions (where provided), 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 Shaw 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).

NON-PROPRIETARY

AP1000™

Module Fabrication Schedule

Keyes Niemer
Modules Program Manager

Structural Modules Fabrication Dates^C



Mechanical Modules Fabrication Dates^C

