



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

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Your ref: Docket No. 52-006
Our ref: DCP_NRC_002830

March 22, 2010

Subject: Submittal of "Design Report for the AP1000 Enhanced Shield Building" - dated March 22, 2010 (APP-1200-S3R-003 Rev. 1)

Reference: 1. NRC Letter from Mr. Dave Matthews to Mr. Rob Sisk, Dated October 15, 2009.

Enclosed is the Westinghouse proprietary report entitled "Design Report for AP1000 Enhanced Shield Building" (APP1200-SR3-003 Rev 1). A Non-Proprietary version of this report will be provided under a separate cover letter. This report is being submitted to the NRC as a partial response to the NRC October 15 Reference letter on the AP1000 Shield Building Report. Subsequent to the receipt of Reference 1, Westinghouse modified the design and is conducting additional testing and analyses to address the NRC concerns. To assure a common understanding of what is needed in these areas, Westinghouse and the NRC conducted the following series of technical meetings on the design, analysis and testing being performed by Westinghouse as part of the Design Certification of the AP1000 enhanced shield building:

- On November 18, 2009, Westinghouse presented an overview to our response to the NRC letter, where we identified an overall plan to address design changes planned for the Shield Building, as well as a high level discussion of the confirmatory testing and analysis approach.
- On December 21 and 22, 2009 Westinghouse and the NRC conducted a more detailed review of the AP1000 integrated design and analysis approach and discussed the details of the proposed testing that Westinghouse would conduct as part of AP1000 Design Certification.
- On January 28 and 29, 2010, Westinghouse and the staff discussed details of the comprehensive levels of analysis that Westinghouse will perform as part of Design Certification, as well as detailed test results from testing completed to date.
- On February 23 2010, Westinghouse and the NRC conducted a meeting on how Westinghouse plans to address the Construction methods and Inspection techniques associated with the AP1000 Shield Building.

Through these series of meetings, Westinghouse outlined its integrated design approach that included design modifications, analysis and testing that assures the AP1000 shield building satisfies NRC requirements.

In this Revision 1 of the Shield Building Design Report, Westinghouse addresses the following issues and concerns raised in the Reference letter by providing the following details:

- The features of the shield building and design modifications that Westinghouse has made to address the issues identified in Reference 1;
- The confirmatory testing plan that has been undertaken in support of design certification.
- The results from testing completed to date, including pushout, out of plane shear, and anchorage tests; and a description of future tests including out of plane shear cyclic and in plane shear tests;
- The construction and inspection methods for the AP1000 shield building.

This report revision does not include the analysis associated with the enhanced shield building design. Westinghouse plans to submit a complete report that fully addresses the issues raised in the Reference letter in Revision 2 to this report. Westinghouse plans to submit Revision 2 to APP-1200-S3R-003 to the NRC for your review by April 30, 2010. In Revision 2, Westinghouse will include descriptions and results of the levels of analyses performed by Westinghouse as outlined in our meetings with the NRC staff in December and January. In addition, Westinghouse will include in Revision 2 test results used to benchmark the analyses provided in support of the design, and will also include descriptions of any additional confirmatory tests that Westinghouse plans to perform. Westinghouse expects that the test program outlined with the NRC will be completed in May, and supplemental results from confirmatory testing will be provided to the staff at that time.

It is anticipated that Westinghouse and the NRC will discuss the NRC's review schedule shortly after Revision 2 of the report is submitted.

Also enclosed is one copy of the Application for Withholding, AW-10-2781 (non-proprietary) with Proprietary Information Notice, and one copy of the associated Affidavit (non-proprietary).

This submittal contains both proprietary information and Sensitive Unclassified Non-Safeguards Information (SUNSI) 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 report 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-10-2781 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 Robert Sisk, Manager AP1000 Licensing and Customer Interface, Westinghouse Electric Company, LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

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,



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

/Enclosures

1. AW-10-2781 "Application for Withholding Proprietary Information from Disclosure," dated March 22, 2010.
2. AW-10-2781, Affidavit, Proprietary Information Notice, Copyright Notice dated March 22, 2010
3. Design Report for AP1000 Enhanced Shield Building, APP-1200-S3R-003, Rev. 1 (Proprietary and Sensitive Version)

cc:	F. Akstulewicz - U.S. NRC	1L/3E
	E. McKenna - U.S. NRC	1L/3E
	D. Jaffe - U.S. NRC	1L/3E
	B. Gleaves - U.S. NRC	1L/3E
	T. Spink - TVA	1L/3E
	P. Hastings - Duke Power	1L/3E
	R. Kitchen - Progress Energy	1L/3E
	A. Monroe - SCANA	1L3E
	P. Jacobs - Florida Power & Light	1L/3E
	C. Pierce - Southern Company	1L/3E
	R. Grumbir - NuStart	1L/3E

ENCLOSURE 1

AW-10-2781

APPLICATION FOR WITHHOLDING
PROPRIETARY INFORMATION FROM DISCLOSURE



Westinghouse Electric Company
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U.S. Nuclear Regulatory Commission
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Your ref: Docket No. 52-006
Our ref: AW-10-2781

March 22, 2010

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Submittal of "Design Report for the AP1000 Enhanced Shield Building" - dated
March 22, 2010 (APP-1200-S3R-003 Rev. 1)

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 is 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-10-2781 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-10-2781 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,

A handwritten signature in black ink, appearing to read "Robert Sisk".

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

cc: G. Bacuta - U.S. NRC

ENCLOSURE 2

AFFIDAVIT

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS


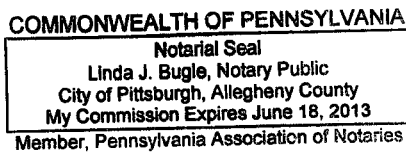
COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared Robert 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 Sisk, Manager
Licensing and Customer Interface
Regulatory Affairs and Standardization

Sworn to and subscribed
before me this 22nd day
of March 2010.


Notary Public

- (1) I am Manager, Licensing and Customer Interface, 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 attachment to DCP_NRC_002830, Submittal of "Design Report for the AP1000 Enhanced Shield Building" - dated March 22, 2010 (APP-1200-S3R-003 Rev. 1), in support of the AP1000 Design Certification Amendment Application, being transmitted by Westinghouse letter (DCP_NRC_002830) 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 license 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.

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.