PROPRIETARY

Nuclear Innovation
North America LLC
4000 Avenue F, Suite A
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February 28, 2011
U7-C-NINA-NRC-110018

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

South Texas Project
Units 3 and 4
Docket No. PROJ0772
Questions from the October 19, 2010 Meeting with ACRS

On October 19, 2010, STP 3&4 representatives met with the ACRS to present an overview of the topical reports we have submitted to the NRC to support a future fuel license amendment for STP Units 3 & 4. During that meeting, we agreed to follow up with answers to several ACRS questions. These responses are provided in Attachments 1 through 5.

The responses in Attachments 4 and 5 contain information proprietary to Westinghouse Electric Corporation. Since these responses involve information proprietary to Westinghouse Electric Company LLC, they are supported by an affidavit signed by Westinghouse, the owner of the information. The affidavit sets 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 Section 2.390 of the Commission's regulations.

Accordingly, it is respectfully requested that the 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 the copyright or proprietary aspects of this information or the supporting Westinghouse Affidavit should reference letter CAW-11-3080 and should be addressed to: J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, Suite 428, Cranberry Township, Pennsylvania, 16066.

If the proprietary information in Attachments 4 and 5 becomes separated from this letter, the letter is no longer proprietary. The affidavit requesting this information be withheld from disclosure is provided in Attachment 6.

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There are no commitments in this letter.

If there are any questions, please contact me at (361) 972-7136, or Bill Mookhoek at (361) 972-7274.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/28/14

Scott Head
Manager, Regulatory Affairs
Nuclear Innovation North America LLC

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Attachments:

1. Question 1
2. Question 2
3. Question 3
4. Question 4
5. Question 5
6. Request for Withholding of Proprietary Information

cc: w/o attachment except*
(paper copy)

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During the ACRS meeting on October 19, 2010 a question was asked about a potential Electrical Power Uprate (EPU) and whether we were taking credit for accident pressure for NPSH calculations.

The DCD and COLA commit to RG 1.1, and RG 1.1 recommends not crediting accident pressure for NPSH calculations. In addition the DCD ITAAC for the suction strainers dictates that the NPSH evaluation be performed at atmospheric conditions. These ITAAC are contained in DCD Table 2.4.1 (item 4c), Table 2.4.2 (item 3g), and Table 2.4.4 (item 3j) for Residual Heat Removal, High Pressure Core Flooder, and Reactor Core Isolation Cooling. A review was done of the EPU work currently being performed, including the design information that has been generated for the EPU evaluations and design development. The EPU is not taking credit for containment pressure for NPSH.

At the October 19, 2010 ACRS Meeting, a question was asked as to the location of the worst single failure for each accident analyzed in the DCD.

The worst single failure for each accident is not part of the methodology that is being described in the topical reports that were the subject of this meeting, but rather the methodology is used to assess the condition. The accident and consequences is a function of the design. The discussion of each accident, the bounding or worst case, and evaluation thereof is part of the applicant's Chapter 15.

During the October 19, 2010 ACRS Meeting, a question was asked as to whether the Automated Thermal Limit Monitor (ATLM) and Rod Block Monitor (RBM) are in the Technical Specifications?

Yes. For the ABWR, the ATLM is included in the TS (LCO 3.3.5.1 – Control Rod Block Instrumentation). As noted in ABWR DCD Section 15.4.2.1, the ATLM system performs the rod block monitoring (RBM) function.

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF BUTLER

Before me, the undersigned authority, personally appeared B. F. Maurer, 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:

B. F. Maurer, Manager
ABWR Licensing

Sworn to and subscribed before me
this 11th day of January 2011

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Renee Giampole, Notary Public
Penn Township, Westmoreland County
My Commission Expires September 25, 2013

(1) I am Manager, ABWR Licensing, in Nuclear Services, 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 Proprietary Information from Public Disclosure 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, "South Texas Project Units 3 & 4 Response to ACRS Action Items from the October 19th Meeting" (Proprietary) being transmitted by South Texas Project Nuclear Operating Company (STPNOC) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk.

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

(a) Assist customers in responding to ACRS action items.

Further this information has substantial commercial value as follows:

(a) The information requested to be withheld reveals the distinguishing aspects of a methodology 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 fuel design 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.