PROPRIETARY

Nuclear Innovation
North America LLC
4000 Avenue F, Suite A
Bay City, Texas 77414

April 25, 2011
U7-C-NINA-NRC-110067
10 CFR 2.390

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 Nos. 52-012 and 52-013
Comprehensive Vibration Assessment Program (Unit 3)

Reference: Letter, Scott Head to Document Control Desk, "Comprehensive Vibration Assessment Program (Unit 3)," dated February 28, 2011 (U7-C-NINA-NRC-110037) (ML110871612)

In the referenced letter, WCAP-17256 Revision 0 was submitted to support the NRC review of the South Texas Project Combined License Application (COLA). Revision 1 of the Comprehensive Vibration Assessment Program for Unit 3, prepared by Westinghouse Electric Corporation, is submitted to replace Revision 0 in it entirety. The revised report was prepared to include several pages intentionally left blank which were omitted from the original version, and which resulted in non-sequential page numbering. The title of this report is "STP Unit 3 ABWR Prototype Reactor Internals Flow-Induced Vibration Assessment Program," WCAP-17256, Revision 1, dated April 2011.

The proprietary version of this report (WCAP-17256-P, Revision 1 (Proprietary)) is included as Attachment 2 to this transmittal. The non-proprietary version (WCAP-17256-NP, Revision 1 (Non-Proprietary)) is included as Attachment 3.

As Attachment 2 contains information proprietary to Westinghouse Electric Company, LLC, it is supported by an affidavit signed by Westinghouse, the owner of the information. Attachment 1 provides the Westinghouse Application for Withholding Letter CAW-11-3144 and accompanying affidavit, Proprietary Information Notice, and Copyright Notice. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses 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

D091
NRO

STI 32858102

Westinghouse be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations. Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse Affidavit should reference CAW-11-3144 and should be addressed to J.A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

When separated from the proprietary material (Attachment 2), this letter is not proprietary.

There are no commitments in this letter.

If you have 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 4/25/11

Scott Head
Manager, Regulatory Affairs
South Texas Project Units 3 & 4

jep

Attachments:
1. Westinghouse Application for Withholding letter CAW-11-3144 and Accompanying Affidavit, Proprietary Information Notice and Copyright Notice
2. WCAP-17256-P, Revision 1 (Proprietary)
3. WCAP-17256-NP, Revision 1 (Non-Proprietary)

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

Director, Office of New Reactors
U. S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Regional Administrator, Region IV
U. S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064

Kathy C. Perkins, RN, MBA
Assistant Commissioner
Division for Regulatory Services
Texas Department of State Health Services
P. O. Box 149347
Austin, Texas 78714-9347

Alice Hamilton Rogers, P.E.
Inspection Unit Manager
Texas Department of State Health Services
P. O. Box 149347
Austin, Texas 78714-9347

*Steven P. Frantz, Esquire
A. H. Gutterman, Esquire
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave. NW
Washington D.C. 20004

*Tom Tai
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

(electronic copy)

*George F. Wunder
*Tom Tai
Loren R. Plisco
U. S. Nuclear Regulatory Commission

Jamey Seely
Nuclear Innovation North America

Peter G. Nemeth
Crain, Caton and James, P.C.

Richard Peña
Kevin Pollo
L. D. Blaylock
CPS Energy

Attachment 1

Westinghouse Application for Withholding letter CAW-11-3144 and Accompanying Affidavit, Proprietary Information Notice and Copyright Notice

Westinghouse

Westinghouse Electric Company LLC
Nuclear Services
1000 Westinghouse Drive
Cranberry Township, Pennsylvania 16066
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
11555 Rockville Pike
Rockville, MD 20852

Direct tel: (412) 374-4419
Direct fax: (724) 720-0857
e-mail: maurerbf@westinghouse.com
Proj letter: WEC-NINA-2011-0008

CAW-11-3144

April 19, 2011

APPLICATION FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE

Subject: 1) WCAP-17256-P, Revision 1, "STP Unit 3 ABWR Prototype Reactor Internals Flow-Induced Vibration Assessment Program" (Proprietary)
2) WCAP-17385-P, Revision 1, "STP Unit 3 Steam Dryer Flow-Induced Vibration Assessment" (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced presentation is further identified in Affidavit CAW-11-3144 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses 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 affidavit by Nuclear Innovation North America (NINA).

Correspondence with respect to the proprietary aspects of this application for withholding or the accompanying affidavit should reference CAW-11-3144 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

J A Gresham for

B. F. Maurer, Manager
ABWR Licensing

Enclosures

cc: T. Tai (NRC TWFN 6 D38M)

CAW-11-3144

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared J. A. Gresham, 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:

J. A. Gresham, Manager
Regulatory Compliance

Sworn to and subscribed before me
this 19th day of April 2011

Cynthia Olesky
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cynthia Olesky, Notary Public
Manor Boro, Westmoreland County
My Commission Expires July 16, 2014
Member. Pennsylvania Association of Notaries

(1) I am Manager, Regulatory Compliance, 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

1) WCAP-17256-P, Revision 1, "STP Unit 3 ABWR Prototype Reactor Internals Flow-Induced Vibration Assessment Program" (Proprietary)
2) WCAP-17385-P, Revision 1, "STP Unit 3 Steam Dryer Flow-Induced Vibration Assessment" (Proprietary)

for submittal to the Commission, being transmitted by Nuclear Innovation North America (NINA) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is to assist the NRC in the review of the South Texas Project Units 3&4 flow-induced vibration program.

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

(a) Assist the customer in obtaining NRC review of the South Texas Project Units 3 and 4 COL Application.

Further this information has substantial commercial value as follows:

(a) Westinghouse plans to sell the use of this information to its customers for purposes of plant specific ABWR flow-induced vibration analyses for licensing basis applications.

(b) Its use by a competitor would improve their competitive position in the design and licensing of a similar product for ABWR flow-induced vibration analysis.

(c) 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 technical evaluations 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.