

B. L. "Pete" Ivey
Vice President
Regulatory Affairs

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OCT 23 2012

Docket Nos.: 52-025
52-026

ND-12-2200

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

Vogtle Electric Generating Plant Units 3 and 4
Southern Nuclear Operating Company's Initial Status and
Full Compliance Report in Response to
March 12, 2012 Commission Order Modifying Licenses with Regard to
Requirements for Reliable Spent Fuel Pool Instrumentation
(Order Number EA-12-051)

References:

1. NRC Order Number EA-12-051, *Order Modifying Licenses with Regard to Requirements for Reliable Spent Fuel Pool Instrumentation*
2. NRC Interim Staff Guidance, JLD-ISG-2012-03, *Compliance with Order EA-12-051, Reliable Spent Fuel Pool Instrumentation, Revision 0*, dated August 29, 2012

Ladies and Gentlemen:

On March 12, 2012, the Nuclear Regulatory Commission ("NRC" or "Commission") issued an Order (Reference 1) to Southern Nuclear Operating Company (SNC). Reference 1 was immediately effective and directed SNC to have a reliable indication of the water level in associated spent fuel storage pools. Specific requirements are outlined in Attachment 3 of Reference 1.

The SNC response to Reference 1 is a single, Full Compliance Report encompassing both the requirement for an initial status report, pursuant to Section IV, Condition C.2 of Reference 1, and a full compliance notification pursuant to Section IV, Condition C.3 of Reference 1. This Full Compliance Report was developed in conjunction with Westinghouse Electric Company, LLC (Westinghouse) and is included as Enclosure 1.

Enclosure 1 (proprietary) contains the Westinghouse report, APP-SFS-M3R-003, "Response to NRC Orders EA-12-051 and EA-12-063, and Background Information for Future Licensees on AP1000 Spent Fuel Pool Instrumentation." In accordance with the Order, SNC is submitting Enclosure 1 to the Commission and hereby notifies the NRC that full compliance with the requirements identified in Attachment 3 of Reference 1 has been achieved.

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In addition to the submittal of Enclosure 1, Enclosure 2 contains the Westinghouse report, APP-SFS-M3R-004, "Response to NRC Orders EA-12-051 and EA-12-063, and Background Information for Future Licensees on AP1000 Spent Fuel Pool Instrumentation, Redacted." This is a redacted version and is therefore non-proprietary.

Also enclosed is the Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-12-3537 (Enclosure 3), accompanying Affidavit (Enclosure 3), Proprietary Information Notice (Enclosure 4), and Copyright Notice (Enclosure 4).

As Enclosure 1 contains information proprietary to Westinghouse Electric Company LLC, it is 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 addresses with specificity the considerations listed in 10 CFR 2.390(b)(4). Accordingly, it is respectfully requested that the information (Enclosure 1) which is proprietary to 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-12-3537 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

The implementation of the order requirements identified in Attachment 3 of Reference 1 will be completed for VEGP 3&4 prior to each unit's respective initial fuel load.

This letter contains no new regulatory commitments. If you have any questions regarding this letter, please contact John Giddens at (205) 992-7924.

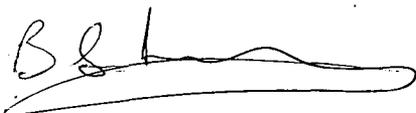
Mr. B. L. Ivey states he is a Vice President of Southern Nuclear Operating Company, is authorized to execute this oath on behalf of Southern Nuclear Operating Company and, to the best of his knowledge and belief, the facts set forth in this letter are true.

Sworn to and subscribed before me this 23rd day of October, 2012.

Nancy Louise Henderson
Notary Public

My commission expires: March 23, 2014

Respectfully submitted,



B. L. Ivey
Regulatory Affairs Vice President



U. S. Nuclear Regulatory Commission

ND-12-2200

Page 3 of 5

BLI/JMG/CTT

Enclosures:

1. Westinghouse APP-SFS-M3R-003, (PROPRIETARY)
2. Westinghouse APP-SFS-M3R-004 (Redacted), (NON-PROPRIETARY VERSION)
3. Westinghouse Authorization Letter CAW-12-3537 and Affidavit
4. Proprietary Information Notice and Copyright Notice

cc: Southern Nuclear Operating Company/ Georgia Power Company

Mr. S. E. Kuczynski, Chairman, President & CEO (w/o enclosures)
Mr. J. A. Miller, Executive VP, Nuclear Development
Mr. D. A. Bost, Chief Nuclear Officer (w/o enclosures)
Mr. B. L. Ivey, VP, Regulatory Affairs
Mr. M. D. Rauckhorst, VP, Vogtle 3 & 4 Construction (w/o enclosures)
Mr. D. H. Jones, VP, Regulatory Affairs, Vogtle 3 & 4
Mr. J. R. Johnson, VP, Operational Readiness, Vogtle 3 & 4 (w/o enclosures)
Mr. T. E. Tynan, Site VP, Vogtle 1 & 2
Mr. D. M. Lloyd, Project Support Director, Vogtle 3 & 4 (w/o enclosures)
Mr. C. R. Pierce, Regulatory Affairs Director
Mr. M. J. Ajluni, Nuclear Licensing Director
Mr. J. M. Giddens, Manager – Special Projects
Mr. D. L. Fulton, Environmental Manager
Mr. C. H. Mahan, Site Licensing Manager, Vogtle 3 & 4
Ms. A. G. Aughtman, Corporate Licensing Manager, Vogtle 3 & 4
Mr. M. C. Medlock, ITAAC Project Manager, Vogtle 3 & 4
Mr. W. A. Sparkman, Licensing Supervisor
Mr. D. W. Midlik, Licensing Supervisor
Mr. B.H. Whitley, Nuclear Development Director
Document Services RTYPE: GOV0208
File AR.01.02.06

Nuclear Regulatory Commission

Mr. V. M. McCree, Region II Administrator (w/o enclosures)
Mr. F. M. Akstulewicz, Deputy Director Div. of New Reactor Licensing (w/o enclosures)
Mr. M. E. Tonacci, AP1000 Licensing Branch Chief (w/o enclosures)
Mr. R. G. Joshi, Lead Project Manager of New Reactors
Ms. D. L. McGovern, Project Manager of New Reactors
Mr. B. M. Bavol, Project Manager of New Reactors
Ms. M. A. Sutton, Environmental Project Manager
Mr. L. M. Cain, Senior Resident Inspector of VEGP 1 & 2
Mr. J. D. Fuller, Senior Resident Inspector of VEGP 3 & 4
Mr. G. Khouri, Senior Project Engineer VEGP 3 & 4
Mr. C. Abbott, Resident Inspector of VEGP 3 & 4
Mr. C. Huffman, Resident Inspector of VEGP 3 & 4
Ms. L. M. Regner, NRR/JLD/PMB
Mr. B. A. Purnell, NRR/JLD/PMB
Mr. S. R. Jones, NRR/ DDS/SBPB

Oglethorpe Power Corporation

Mr. M. W. Price, Executive VP and Chief Operating Officer
Mr. K. T. Haynes, Director of Contracts and Regulatory Oversight

Municipal Electric Authority of Georgia

Mr. J. E. Fuller, Senior VP, Chief Financial Officer
Mr. S. M. Jackson, VP, Power Supply

Dalton Utilities

Mr. D. Cope, President and Chief Executive Officer

Shaw Stone & Webster, Inc.

Mr. M. Glover, Senior VP & Consortium General Manager (w/o enclosures)
Mr. G. Grant, VP, Licensing & Regulatory Affairs (w/o enclosures)
Ms. K. Stoner, Vogtle Project Manager (w/o enclosures)
Mr. C. A. Castell, Licensing Engineer
Mr. E. C. Wenzinger, Licensing Engineer, Vogtle Units 3 & 4

Westinghouse Electric Company, LLC

Mr. T. C. Geer, VP, Licensing & Regulatory Affairs (w/o enclosures)
Mr. T. H. Dent, VP, Consortium Project Director Vogtle Units 3 & 4 (w/o enclosures)
Mr. P. A. Russ, Director, AP1000 Global Licensing
Mr. R. A. DeLong, Director of U.S. & International Licensing (acting)
Mr. S. A. Bradley, Vogtle Project Licensing Manager
Mr. T. J. Ray, Manager, AP1000 COL Licensing Support

Other

Mr. J. S. Prebula, Project Engineer, Bechtel Power Corporation (w/o enclosures)
Mr. R. W. Prunty, Licensing Engineer, Bechtel Power Corporation
Ms. K. K. Patterson, Project Manager, Tetra Tech NUS, Inc.
Dr. W. R. Jacobs, Jr., Ph.D., Executive Consultant, GDS Associates, Inc.
Mr. S. Roetger, Internal Consultant Analyst, Georgia Public Service Commission
Ms. S. W. Kernizan, Director of the Electric Unit, Georgia Public Service Commission
Mr. K. C. Greene, Partner, Troutman Sanders
Mr. S. Blanton, Partner, Balch Bingham

Southern Nuclear Operating Company

ND-12-2200

Enclosure 3

Westinghouse Authorization Letter CAW-12-3537

and

Affidavit

NOTE: This enclosure contains a 6-page document



Westinghouse Electric Company
Nuclear Power Plants
1000 Westinghouse Drive
Cranberry Township, Pennsylvania 16066
USA

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U S Nuclear Regulatory Commission
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Direct tel: 412-374-6206
Direct fax: 724-940-8505
e-mail: greshaja@westinghouse.com
Project letter: DCP_APG_000007

Our ref: CAW-12-3537

October 19, 2012

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Transmittal of APP-SFS-M3R-003 Rev A, Response to NRC Orders EA-12-051 and EA-12-063, and Background Information for Future Licensees on AP1000 Spent Fuel Pool Instrumentation (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced letter is further identified in the affidavit signed by Westinghouse Electric Company LLC. The affidavit accompanying this letter, 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 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by **AP1000 Owner's Group**.

Correspondence with respect to the proprietary aspects of this application for withholding or the accompanying affidavit should reference CAW-12-3537 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. A. Gresham', written over a horizontal line.

James A. Gresham
Manager
Regulatory Compliance

CAW-12-3537
October 19, 2012

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

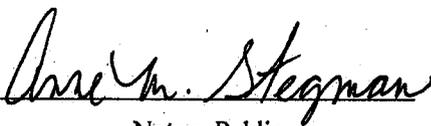
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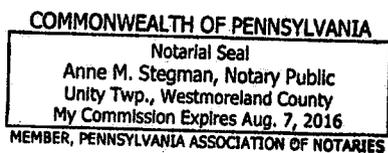
COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared **James 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:


James A. Gresham, Manager
Regulatory Compliance

Sworn to and subscribed
before me this 19th day
of October 2012.


Notary Public



CAW-12-3537
October 19, 2012

- (1) I am Manager, Regulatory Compliance, 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.

CAW-12-3537
October 19, 2012

- (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

CAW-12-3537
October 19, 2012

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 from within the "Transmittal of APP-SFS-M3R-003 Rev A, Response to NRC Orders EA-12-051 and EA-12-063, and Background Information for Future Licensees on AP1000 Spent Fuel Pool Instrumentation" (Proprietary) (DCP_APG_000007), for submittal to the Commission, being transmitted by AP1000 Owner's Group letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is that associated with Transmittal of APP-SFS-M3R-003 Rev A, Response to NRC Orders EA-12-051 and EA-12-063, and Background Information for Future Licensees on AP1000 Spent Fuel Pool Instrumentation, and may be used only for that purpose.

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.

CAW-12-3537
October 19, 2012

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.

Further the deponent sayeth not.

Southern Nuclear Operating Company

ND-12-2200

Enclosure 4

Proprietary Information Notice

and

Copyright Notice

NOTE: This enclosure contains a 1-page document.

October 19, 2012

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.