



Ronald A. Jones
Vice President
New Nuclear Operations

October 29, 2012
NND-12-0538

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

Attention: Document Control Desk

Subject: Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3 Combined License (COL) Numbers NPF-93 and NPF-94 - Docket Numbers 52-027 and 52-028, Initial Status and Full Compliance Reports pursuant to Order EA-12-063 "Order To Modify Licenses With Regard to Reliable Spent Fuel Pool Instrumentation" issued March 30, 2012

References: (1) Nuclear Regulatory Commission (NRC) Order EA-12-063 "Order To Modify Licenses With Regard to Reliable Spent Fuel Pool Instrumentation" issued March 30, 2012
(2) NRC Interim Staff Guidance JLD-ISG-2012-03, "Compliance with Order EA-12-051, Reliable Spent Fuel Pool Instrumentation" issued August 29, 2012

On March 30, 2012, the NRC issued an order, Reference 1, to South Carolina Electric & Gas Company (SCE&G). Reference 1 was immediately effective and directed SCE&G to address the requirements specified in Attachment 1 of Reference 1. In addition, SCE&G was directed in the order to supply periodic status reports to the NRC identifying actions taken and actions planned by the Licensee in the implementation of the order requirements up until full compliance is reached. When full compliance is reached, SCE&G is required to notify the NRC of that compliance by letter.

The SCE&G 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

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Information for Future Licensees on AP1000 Spent Fuel Pool Instrumentation.” In accordance with Section IV, C. 3 of the Reference 1, SCE&G submits Enclosure 1 to the NRC and hereby notifies the NRC that full compliance with the requirements identified in Attachment 1 of Reference 1 has been achieved.

The content of Enclosure 1 has been reconciled with the current licensing bases of VCSNS Units 2&3. This comparison revealed no material differences between the content of Enclosure 1 and the current licensing bases for VCSNS Units 2&3 that would invalidate or otherwise impact the technical correctness of the document. However, in Section 3.6, Programmatic Controls, Enclosure 1 makes reference to the training program requirement of EA-12-063 as being fulfilled in the training program requirements contained in Order EA-12-049. Order EA-12-049 does not apply to VCSNS Units 2&3; alternatively those training requirements contained in Order EA-12-049 are included in VCSNS Units 2&3 License Condition 2.D(13) making them equivalent.

As Enclosure 1 contains information proprietary to Westinghouse Electric Company, LLC it is supported by Enclosure 3, an affidavit, signed by Westinghouse, who is 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 paragraph (b)(4) of 10 CFR 2.390. Accordingly, it is respectfully requested that Enclosure 1, which is proprietary to Westinghouse, be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission’s regulations.

To facilitate protection of Westinghouse proprietary information, SCE&G also submits to the NRC Enclosure 2 which 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”, which is a non-proprietary version of Enclosure 1, suitable for public disclosure.

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

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.

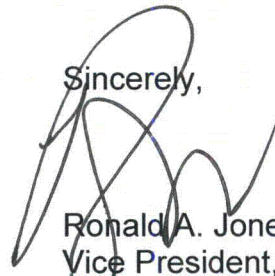
The implementation of the order requirements identified in Attachment 1 of Reference 1 will be completed for VCSNS Units 2&3 prior to each unit’s respective initial fuel load.

This letter contains no new regulatory commitments. If you have any questions regarding this report, please contact Mr. Alfred M. Paglia by telephone at 803-941-9876, or by email at apaglia@scana.com.

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

Executed on this 29th day of OCTOBER, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald A. Jones", written over the printed name.

Ronald A. Jones
Vice President,
New Nuclear Operations

NND-12-0538
October 29, 2012
Page 4 of 4

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DOCUMENT STATUS: <input type="checkbox"/> PRE <input type="checkbox"/> CFC <input type="checkbox"/> CAE <input checked="" type="checkbox"/> DES			Westinghouse Acceptance of AP1000 Design Partner Document by:	
<div style="border: 1px solid red; padding: 5px; color: red;"> Contains redacted withheld Sensitive Unclassified Non-Safeguards Information (SUNSI) relative to the physical protection of an AP1000 nuclear plant that should be withheld from public disclosure pursuant to 10 CRF 2.390 (d). </div>			_____ (Name and Date)	

ALTERNATE DOCUMENT NUMBER: NA WORK BREAKDOWN #: _____
 ORIGINATING ORGANIZATION: Westinghouse Electric Co. LLC
TITLE: Response to NRC Orders EA-12-051 and EA-12-063, and Background Information for Future Licensees on AP1000 Spent Fuel Pool Instrumentation, Redacted

ATTACHMENTS: None	DCP/DCA/SUPPLEMENTS/EDCR # INCORPORATED IN THIS DOCUMENT
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<table border="1"> <thead> <tr> <th>ELECTRONIC FILENAME</th> <th>ELECTRONIC FILE FORMAT</th> <th>ELECTRONIC FILE DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>APP-SFS-M3R-004_RA.doc</td> <td>MS Word</td> <td>NA</td> </tr> </tbody> </table>	ELECTRONIC FILENAME	ELECTRONIC FILE FORMAT	ELECTRONIC FILE DESCRIPTION	APP-SFS-M3R-004_RA.doc	MS Word	NA
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	Verification Method: Independent Review

Plant Applicability: All AP1000 plants except: No Exceptions
 Only the following plants:

APPLICABILITY REVIEWER WEC 6.1.pdf NA	SIGNATURE / DATE NA
RESPONSIBLE MANAGER* WEC 6.1.pdf Luca Oriani	SIGNATURE / DATE Electronically Approved***

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REVISION HISTORY

RECORD OF CHANGES

Revision	Author	Description
A	See cover page	Initial issue.

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ACRONYMS AND TRADEMARKS

Acronyms	Definition
AC	alternating current
COL	combined operating license
DC	direct current
DCD	Design Control Document
DG	diesel generator
FLEX	diverse and flexible coping strategies
FSAR	Final Safety Analysis Report
I&C	instrumentation and control
MCR	main control room
NRC	Nuclear Regulatory Commission
PCS	passive containment cooling system
PCCWST	passive containment cooling water storage tank
PMS	protection and safety monitoring system
RSW	remote shutdown workstation
QDPS	qualified data processing system
SBO	station blackout
SFP	spent fuel pool
SSE	safe shutdown earthquake

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REFERENCES

1. Order EA-12-051, Issuance of Order to Modify Licenses with Regard to Reliable Spent Fuel Pool Instrumentation, United States Nuclear Regulatory Commission, March 12, 2012.
2. Order EA-12-063, Issuance of Order to Modify Licenses with Regard to Reliable Spent Fuel Pool Instrumentation, United States Nuclear Regulatory Commission, March 30, 2012.
3. NEI 12-02, Rev. 0, Industry Guidance for Compliance with NRC Order EA-12-051, Nuclear Energy Institute, August 2012.
4. Westinghouse document AP1000 Design Control Document, Revision 19, June 11, 2011.
5. Order EA-12-049, Issuance of Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events, United States Nuclear Regulatory Commission, March 12, 2012.

RESPONSE TO NRC ORDERS EA-12-051 AND EA-12-063, AND BACKGROUND INFORMATION FOR FUTURE LICENSEES ON AP1000 SPENT FUEL POOL INSTRUMENTATION

1 BACKGROUND

In studying the sequence of events that took place at Fukushima Daiichi during the accident that occurred due to the March 11, 2011 earthquake and resulting tsunami, the U.S. Nuclear Regulatory Commission (NRC) determined that several near-term actions were needed at U.S. commercial nuclear power plants. Among them was to provide spent fuel pools (SFP) with reliable level instrumentation to significantly enhance the knowledge of key decision makers such that resources are allocated effectively in the event of a very low probability beyond design basis event. Consequently, the NRC issued Order EA-12-051 (Reference 1), Order to Modify Licenses with Regard to Reliable Spent Fuel Pool Instrumentation (ML12054A679), on March 12, 2012, for all U.S. nuclear plants with an operating license, construction permit or Combined Construction and Operating License (COL). Order EA-12-063 (Reference 2), Order to Modify Licenses with Regard to Reliable Spent Fuel Pool Instrumentation (ML12089A163) was issued on March 30, 2012 and applies to VC Summer.

Subsequent to the issuance of NRC Orders EA-12-051 and EA-12-063, Nuclear Energy Institute (NEI) developed NEI 12-02, Industry Guidance for Compliance with NRC Order EA-12-051 (Reference 3). Appendix A-4 of NEI 12-02 provides NRC endorsed Order response guidance for the AP1000 design, to which this report is fully compliant.

2 INTRODUCTION

The referenced NRC Orders noted that the NRC is now requiring 10 CFR Part 50 licensees to provide reliable indication of the water level in associated spent fuel storage pools capable of supporting identification of the following pool water level conditions by trained personnel:

- 1) Level that is adequate to support operation of the normal fuel pool cooling system,
- 2) Level that is adequate to provide substantial radiation shielding for a person standing on the spent fuel pool operating deck, and
- 3) Level where fuel remains covered and actions to implement make-up water addition should no longer be deferred.

The NRC Order further noted that the AP1000 plant described in Westinghouse AP1000 Design Control Document (DCD) Revision 19 (Reference 4), addresses many of these attributes of spent fuel pool level instrumentation. The NRC staff reviewed these design features prior to issuance of the combined licenses for these facilities and certification of the AP1000 design referenced therein. The AP1000 certified design largely addresses the above requirements by providing three safety-related spent fuel pool level instrument channels. The instruments measure the water level from the top of the spent fuel pool to the top of the fuel racks to address the range requirements listed above. The AP1000 safety-related spent fuel pool instrumentation provides for the following design features:

- Continuous measurement range from the normal pool level down to just above the top of the fuel
- Accurate measurement with boiling water in the pool
- Seismic and environmental qualification of the channels (power supplies, sensors, and displays)
- Protection from physical hazards, including internal and external floods
- Three independent, safety-related battery power supplies, two rated for 72 hours and one for 24 hours with connections provided for an offsite diesel generator (DG) to continue the power supply after 72 hours
- Electrical isolation and physical separation between instrument channels
- Display in the control room as part of the post-accident monitoring instrumentation
- []^{a,c}
- Available in all modes
- Provisions to perform required routine calibration and testing

3 REQUIREMENTS

The AP1000 plant must address the following requirements that were not specified in the certified design.

3.1 ARRANGEMENT

Order Requirement

The spent fuel pool level instrument channels shall be arranged in a manner that provides reasonable protection of the level indication function against missiles that may result from damage to the structure over the spent fuel pool. This protection may be provided by locating the safety-related instruments to maintain instrument channel separation within the spent fuel pool area, and to utilize inherent shielding from missiles provided by existing recesses and corners in the spent fuel pool structure.

NEI 12-02 AP1000 Guidance

Protection against missiles should be described, noting the protection that may be provided by location of the safety-related instruments and their associated connections below the operating deck. Describe the arrangement and basis for why the operating deck provides protection of the level indication function against missiles that may result from damage to the structure over the spent fuel pool. Alternatively, provide description of the features for additional protection that may be provided by the location of the safety-related instruments to maintain instrument channel separation within the spent fuel pool area, and to utilize inherent shielding from missiles provided by existing recesses and corners in the spent fuel pool structure.

AP1000 Design Response

The AP1000 design has three safety-related spent fuel pool level instrument channels. All three channels and associated instrument tubing lines are located below the fuel handling area operating deck and the cask washdown pit. The operating deck is at Elevation 135'-3" and the cask washdown pit floor is at Elevation 117'-6". Level instruments associated with protection and safety monitoring system (PMS) divisions A and C are located in Room 12365, which can be seen on Westinghouse AP1000 DCD Revision 19, Figure 1.2-7 and as referenced in the FSAR of each COL holder or applicant. The level instrument associated with PMS division B is located in the middle annulus (Room 12341, as seen on Westinghouse AP1000 DCD Revision 19 Figure 1.2-7 and as referenced in the FSAR of each COL holder or applicant). The SFP connection and tubing for level instruments associated with PMS divisions A and C is physically separated from the SFP connection and tubing for the level instrument associated with PMS division B within Room 12365.

The cask washdown pit is normally covered by a removable hatch located on the operating deck. The floor of the cask washdown pit is a two-foot thick steel-concrete composite structure. Location of these instrument channels below the operating deck and cask washdown pit provides protection for the level indication function against missiles that may result from damage to the structure over the spent fuel pool. See Figure 1.

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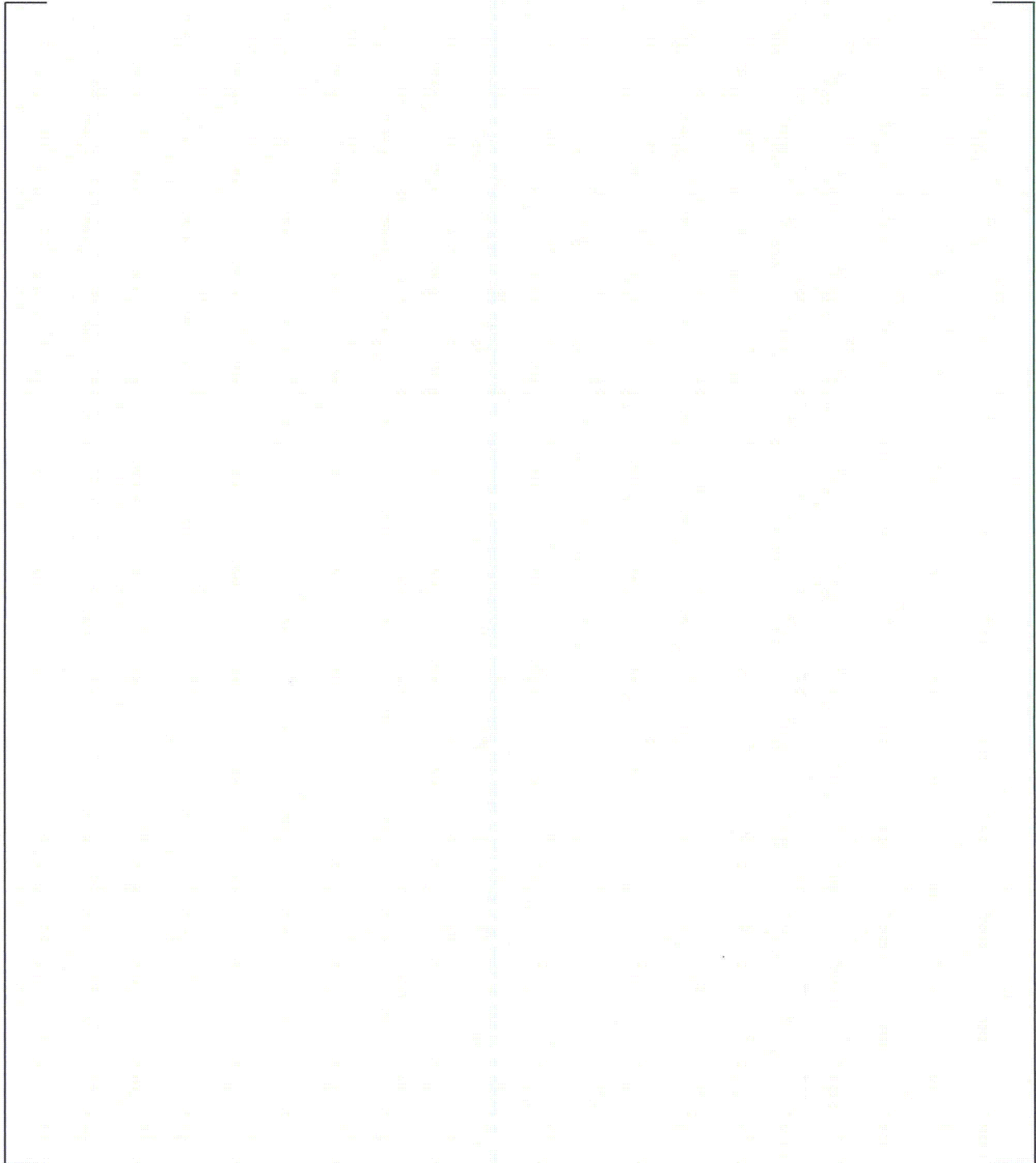


Figure 1: Location of SFP Instrumentation for PMS Divisions A and C and Connections to the SFP For PMS Divisions A, B, and C

3.2 QUALIFICATION

Order Requirement

The level instrument channels shall be reliable at temperature, humidity, and radiation levels consistent with the spent fuel pool water at saturation conditions for an extended period.

NEI 12-02 AP1000 Guidance

Provide a description of the instrumentation sensors and their capability to operate in the environmental conditions that they will experience during design basis events, noting that for the AP1000 design basis conditions include a SBO with steaming in the SFP. The environmental conditions to be addressed should include appropriate consideration for temperature, humidity, steaming, radiation, and seismic activity (SSE) levels where the sensors are located. Provide information to demonstrate the reliability of the instrument under these conditions.

Appropriate evaluations should also be provided to demonstrate the operability of these sensors for indefinite SBO durations.

AP1000 Design Response

The three safety-related, seismically qualified spent fuel pool level instruments are located in rooms below the fuel handling area operating deck as described in Section 3.1. As stated in Westinghouse AP1000 DCD Revision 19, Section 9.1.3.4.3.4 and PAMS Table 7.5-1 (Sheet 7 of 12) and as referenced in the FSAR of each COL holder or applicant, the environment in these areas during spent fuel pool steaming is mild with respect to safety-related equipment qualification and affords access for post-accident actions. This is because the fuel handling area, rail car bay, and spent resin area do not have connecting ductwork with other radioactively controlled areas of the auxiliary building, which prevents steam migration into the areas housing the SFP instruments. In addition, there is a vent path between the fuel handling area and outside environment to vent steam generated by elevated spent fuel pool water temperature. Even though they are not directly exposed to spent fuel pool boiling, the instruments are qualified to function at the conditions (temperature, humidity, radiation) that could be seen at the lower elevations in the spent fuel building where these instruments are located. For example, they are qualified for 100 percent humidity. This provides assurance that the SFP level transmitters exposed to these environmental conditions will remain available and functional for an extended period, as specified in the Order.

3.3 POWER SUPPLIES

Order Requirement

Instrumentation channels shall provide for power connections from sources independent of the plant alternating current (AC) and direct current (DC) power distribution systems, such as portable generators or replaceable batteries. Power supply designs should provide for quick and accessible connection of sources independent of the plant ac and dc power distribution systems. Onsite generators used as an alternate power source and replaceable batteries used for instrument channel power shall have sufficient capacity to maintain the level indication function until offsite resource availability is reasonably assured.

NEI 12-02 AP1000 Guidance

Provide a description of the design features provided to ensure continuous power supply to the instrumentation for extended loss of power conditions. The AP1000 design provides extended SFP monitoring capability with two trains of dedicated class 1E DC power supply for at least 72 hours of post accident monitoring. Beyond the initial 72 hours, the response shall detail how the instrument power supply can be met by the use of offsite portable generators with quick and accessible connection points and sufficient capacity to maintain level indication indefinitely. The capability to use both onsite and offsite equipment should be discussed as well as the availability of clear guidance for the operator as part of the AP1000 post-72 hours procedures per AP1000 DCD Section 1.9.5.4.

AP1000 Design Response

The AP1000 design provides extended SFP level monitoring capability with two trains of dedicated class 1E DC power supply for at least 72 hours of post-accident monitoring. One of these safety-related instruments is powered through PMS Division B, and the other is powered through PMS Division C. A third safety-related instrument is powered through PMS Division A; however, PMS Division A contains only a 24-hour battery supply.

As stated in NRC Order EA-12-051 and Order EA-12-063, the safety-related classification of the SFP instrumentation provides for the following design features:

- Seismic and environmental qualification of the instruments
- Independent power supplies
- Electrical isolation and physical separation between instrument channels
- Display in the control room as part of the post-accident monitoring instrumentation
- Required routine calibration and testing

Beyond the initial 72 hours, instrument power can be supplied by the use of onsite permanently installed ancillary diesel generators or offsite portable generators with quick and accessible connection points. Permanently installed onsite ancillary diesel generators located in the annex building are capable of providing power for Class 1E post-accident monitoring (including SFP level instrumentation), MCR lighting, MCR and I&C room ventilation, and power to refill the passive containment cooling water storage tank (PCCWST) using the PCS recirculation pumps. This capability is described in Westinghouse AP1000 DCD Revision 19, Section 8.3.1.1.1 and as referenced in the FSAR of each COL

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holder or applicant. Each ancillary diesel generator output is connected to a distribution panel in the same room as the ancillary diesel generators. The distribution panel contains outgoing feeder circuit breakers directly connected to the PMS Division B and PMS Division C voltage regulating transformers that power the post-accident monitoring loads, the lighting in the MCR, and the ventilation in the MCR and PMS Division B and C I&C rooms. This configuration is depicted in Westinghouse AP1000 DCD Revision 19, Figures 8.3.1-3 and 8.3.2-2 (Reference 4) and as referenced in the FSAR of each COL holder or applicant. The post-72 hour procedures discussed in Section 3.6 of this report include provisions to start and connect the ancillary diesel generators.

The AP1000 design does not require that the ancillary diesel generators be safety related. Their operation is not required following a loss of all AC power for 72 hours because they are easily replaced with offsite portable generators, which are capable of being connected to the distribution panel in the same room or to a safety-related connection as described in Westinghouse AP1000 DCD Revision 19, Section 1.9.5.4 and as referenced in the FSAR of each COL holder or applicant. This section of the Westinghouse AP1000 DCD states: "the AP1000 design includes both onsite equipment and safety-related connections for use with transportable equipment." [

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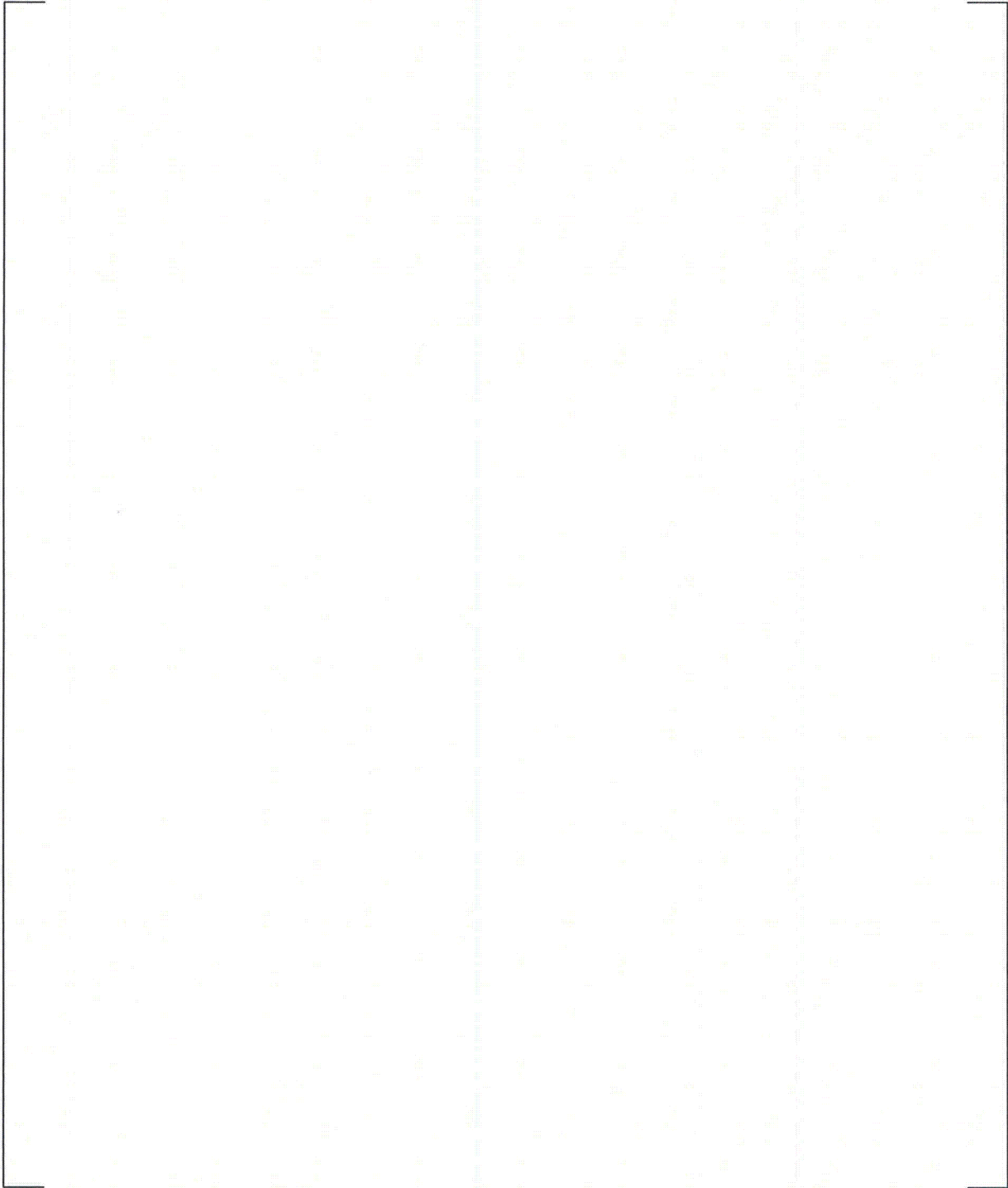
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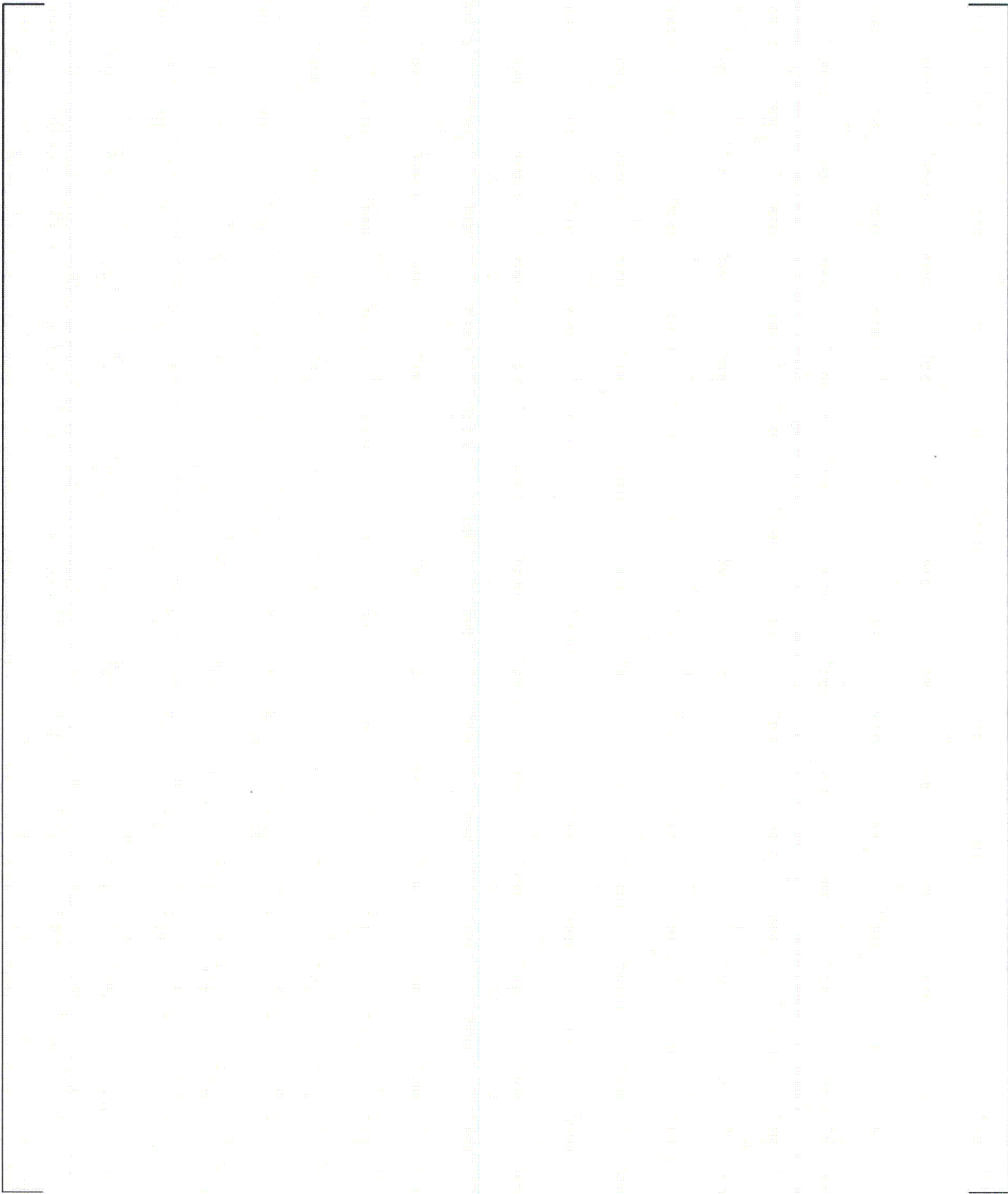


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Figure 2:

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Figure 3: []^{a,c}

3.4 ACCURACY

Order Requirement

The instrument shall maintain its designed accuracy following a power interruption or change in power source without recalibration.

NEI 12-02 AP1000 Guidance

As discussed under NEI 12-02 Section A-4-3.3 the AP1000 design provides means for continued power supply to the spent fuel pool level instrumentation, relying for the first 72 hours only on class 1E batteries. The power supply can then be extended indefinitely by various means as described in NEI 12-02 Section A-4-3.3.

Additionally, the potential impact on temporary loss of power to the level instrument shall be discussed and evaluated in this section including confirmation that the instruments would not need to be re-calibrated following a loss of power.

The instrument should be discussed to address sufficient accuracy during SBO conditions which includes boiling of the SFP water.

AP1000 Design Response

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] ^{a,c}

3.5 DISPLAY

Order Requirement

The display shall provide on-demand or continuous indication of spent fuel pool water level.

NEI 12-02 AP1000 Guidance

For the first 72 hours, provide details regarding the continuous display provided in the Main Control Room with power provided by the class 1E batteries. For Post 72 hours, describe the features of the Main Control Room display and use of power supplies described in NEI 12-02 Section A-4-3.3. Describe the SFP water level display features. Provide a description of appropriate alarms for low water level. The display requirement may be described by reference to appropriate instrumentation datasheets, specifications, and other relevant documentation.

AP1000 Design Response

Three safety-related SFP level sensors provide continuous indication of the SFP level to the MCR as well as the Remote Shutdown Workstation (RSW). Note that though three safety-related instruments are provided, the number of instruments required to meet single failure criteria after stable plant conditions is two. Therefore, two channels are provided with power from separate 1E DC power supplies for at least 72 hours of post-accident monitoring and a third channel is available with power from a 1E DC power supply for at least 24 hours. The redundant sensors are capable of measuring the SFP level continuously from the top of the spent fuel racks up to the operating deck. The continuous level is easily accessed by the operators in the MCR via the Qualified Data Processing System (QDPS) PMS display. In order to alert the operators of abnormally low levels in the SFP, [

]^{b,c} As described in Section 3.3 of this report, the level instruments are powered by the class 1E batteries for the first 72 hours. After 72 hours, the permanently installed ancillary diesel generators will be used if available or offsite portable generators can be used to power two of the PMS divisions, and thus two of the SFP level transmitters as well as the MCR continuous indication.

3.6 PROGRAMMATIC CONTROLS

Order Requirement

The spent fuel pool instrumentation shall be maintained available and reliable through appropriate development and implementation of a training program. Personnel shall be trained in the use and the provision of alternate power to the safety-related level instrument channels.

NEI 12-02 AP1000 Guidance

As noted in the background, the safety-related classification of the AP1000 spent fuel level instrumentation ensures routine calibration and testing of the instrumentation, which maintains the equipment as available and reliable. The training program shall be described to provide training to personnel in the use and the provision of alternate power supplies to the existing ac or dc power distribution system to power the instrument channels consistent with the post-72 hours procedures detailed in DCD Section 1.9.5.4. Implemented procedures consistent with the training program shall be summarized and clarified as part of the response.

AP1000 Design Response

The training program utilized for implementation of the NEI 06-12, Diverse and Flexible Coping Strategies (FLEX) Implementation Guide, Revision 0, will contain the programmatic and training considerations required to deploy and utilize the offsite portable generator that is credited above to continue the SFP level indication function post 72 hours. No additional operational or training requirements are necessary to implement the strategies described above beyond the commitments required as part of the response to EA-12-049, Issuance of Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events (Reference 5).

4 CONCLUSIONS

The AP1000 design currently meets, or its design allows for the plant to meet (for the interface of FLEX equipment), all additional requirements set forth by NRC Order EA-12-051 (Reference 1) and NRC Order EA-12-063 (Reference 2). These requirements cover the arrangement, qualification, power supplies, accuracy, display, and programmatic controls for the AP1000 safety-related spent fuel pool level instrumentation.



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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".

James A. Gresham
Manager
Regulatory Compliance

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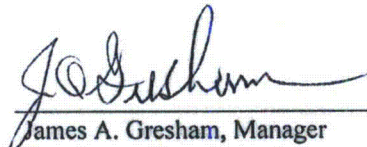
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COMMONWEALTH OF PENNSYLVANIA:

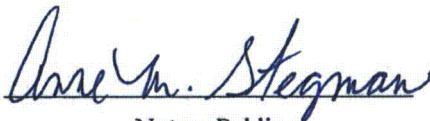
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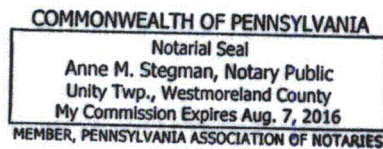
COUNTY OF BUTLER:

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



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- (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.

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- (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

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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.

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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.

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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).

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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.