

PROPRIETARY



**Nuclear Innovation**  
North America LLC  
122 West Way, Suite 405  
Lake Jackson, Texas 77566

979-316-3000

June 26, 2013  
U7-C-NINA-NRC-130035  
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  
Clarifications to WCAP -17385-P Revision 5

Reference: Letter, Scott Head to Document Control Desk, "Steam Dryer Flow-Induced Vibration Assessment Report (Unit 3)," dated May 7, 2013 (U7-C-NINA-NRC-130024) (ML13133A048)

In the referenced letter, WCAP-17385 Revision 5 was submitted by Nuclear Innovation North America LLC (NINA) to support the NRC review of the South Texas Project Combined License Application. The revised report was prepared to include additional details in the basis for acceptance criteria and documentation of the Flow-Induced Vibration results. Attachment 2 provides a proprietary version of clarifications to various staff questions during the review of this report. As this information will be used for discussion purposes, NINA will provide a final proprietary and non-proprietary version of these questions and clarifications upon completion of this review.

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-13-3747 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 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-13-3747 and should be addressed to J.A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, Suite 310, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

STI 33717808

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 Scott Head at (979) 316-3011 or Bill Mookhoek at (979) 316-3014.

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

Executed on 6-26-2013



Mark McBurnett  
Chief Executive Officer and Chief Nuclear Officer  
Nuclear Innovation North America LLC

jep

Attachments:

1. Westinghouse Application for Withholding letter CAW-13-3747 and Accompanying Affidavit, Proprietary Information Notice and Copyright Notice
2. Clarifications to WCAP-17385-P, Revision 5 (Proprietary)

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

(electronic copy)

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

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\*Tom Tai  
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U. S. Nuclear Regulatory Commission

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11555 Rockville Pike  
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**Attachment 1**

**Westinghouse Application for Withholding letter CAW-13-3747 and  
Accompanying Affidavit, Proprietary Information Notice and  
Copyright Notice**



Westinghouse Electric Company  
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-2013-0020

CAW-13-3747

June 25, 2013

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

Subject: WEC-NINA-2013-0020 P-Enclosure, "Clarifications to WCAP-17385-P,  
Revision 5" (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-13-3747 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 the application for withholding or the accompanying affidavit should reference CAW-13-3747 and should be addressed to James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 310, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read 'BF Maurer'.

Bradley F. Maurer, Principal Engineer  
Plant Licensing

Enclosures

cc: T. Tai (NRC TWFN 6 D38M)

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

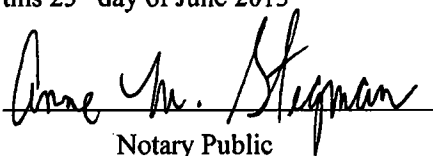
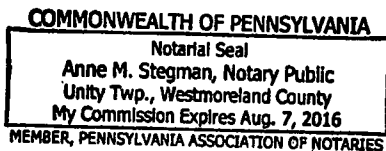
COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared Bradley 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:



Bradley F. Maurer, Principal Engineer  
Plant Licensing

Sworn to and subscribed before me  
this 25<sup>th</sup> day of June 2013

  
Notary Public

- (1) I am Principal Engineer, Plant 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 WEC-NINA-2013-0020 P-Enclosure, "Clarifications to WCAP-17385-P, Revision 5" (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 and may be used only for that purpose.

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 methodology.
- (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 evaluation 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 is the proprietary version of a document furnished to the NRC in connection with requests for generic and/or plant-specific review and approval. The document is to be considered proprietary in its entirety.

### **COPYRIGHT NOTICE**

The report transmitted herewith bears a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in this report which is 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. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.