



Westinghouse
Electric Company LLC

Advanced Plant Development
Box 355
Pittsburgh Pennsylvania 15230-0355

DCP/NRC1473
Project 711
March 6, 2001

Mr. Jerry N. Wilson
U. S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike – MS O-12 G15
Rockville, MD 20852-2738

SUBJECT: TRANSMITTAL OF WESTINGHOUSE PROPRIETARY CLASS 2 DOCUMENT
WCAP-15613, "AP1000 PIRT AND SCALING ASSESSMENT REPORTS," DATED
MARCH 6, 2000

REFERENCE: WCAP-15612, "AP1000 PLANT DESCRIPTION AND ANALYSIS REPORT", DATED
MARCH 6, 2001

Dear Mr. Wilson

Attached please find WCAP-15613, "AP1000 PIRT and Scaling Assessment Report." This report provides the results of the scaling studies of the AP600 Test Programs to assess their applicability to the AP1000. This report is submitted as part of the AP1000 Pre-Licensing Review. This report, in conjunction with Reference 1, forms the basis for the NRC review regarding the issue of the applicability of the the AP600 tests programs to meet the requirements of 10 CFR Part 52 for an application for Design Certification of an AP1000. This document is considered proprietary to Westinghouse.

The Westinghouse Electric Company proprietary information notice, application for withholding, and affidavit are also attached.

This submittal contains Westinghouse proprietary information consisting of trade secrets, commercial information or financial information which we consider privileged or confidential pursuant to 10CFR2.790. Therefore, it is requested that the Westinghouse proprietary information attached hereto be handled on a confidential basis and be withheld from public disclosures.

This material is for your internal use only and may be used for the purpose for which it is submitted. It should not be otherwise used, disclosed, duplicated, or disseminated, in whole or in part, to any other person or organization outside the Commission, the Office of Nuclear Reactor Regulation, the Office of Nuclear Regulatory Research and the necessary subcontractors that have signed a proprietary non-disclosure agreement with Westinghouse without the express written approval of Westinghouse.

Correspondence with respect to the application for withholding should reference AW-01-1442, and should be addressed to Hank A. Sepp, Manager of Regulatory and Licensing Engineering, Westinghouse Electric Company, P.O. Box 355, Pittsburgh, Pennsylvania, 15230-0355.

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DCP/NRC1473
Project 711

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March 6, 2001

Please contact me on 412-374-5355, if you have any questions concerning this transmittal.



M. M. Corletti
AP600 Engineering
Passive Plant Projects

Enclosure

cc: H. A. Sepp, Westinghouse (w/o Enclosure)

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 2.790 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) contained within parentheses 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 2.790(b)(1).

Westinghouse Electric Company, LLC

Box 355
Pittsburgh Pennsylvania 15230-0355

AW-01-1442

March 6, 2001

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555

ATTENTION: Mr. Samuel J. Collins

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: WESTINGHOUSE PROPRIETARY CLASS 2 DOCUMENT
WCAP-15613, "AP1000 PIRT AND SCALING ASSESSMENT REPORTS,"
DATED MARCH 6, 2000

Dear Mr. Collins:

The application for withholding is submitted by Westinghouse Electric Company LLC ("Westinghouse") pursuant to the provisions of paragraph (b)(1) of Section 2.790 of the Commission's regulations. It contains commercial strategic information proprietary to Westinghouse and customarily held in confidence.

The proprietary material for which withholding is being requested is identified in the proprietary version of the subject report. In conformance with 10CFR Section 2.790, Affidavit AW-01-1442 accompanies this application for withholding setting forth the basis on which the identified proprietary information may be withheld from public disclosure.

Accordingly, it is respectfully requested that the subject information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10CFR Section 2.790 of the Commission's regulations.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference AW-01-1442 and should be addressed to the undersigned.

Very truly yours,



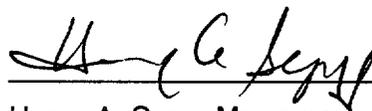
Hank A. Sepp, Manager
Regulatory and Licensing Engineering

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

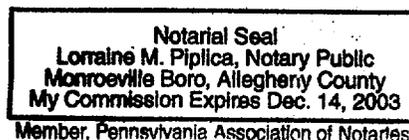
Before me, the undersigned authority, personally appeared Henry A. Sepp, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC ("Westinghouse"), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



Henry A. Sepp, Manager
Regulatory and Licensing Engineering

Sworn to and subscribed
before me this 6th day
of March, 2001


Notary Public



- (1) I am Manager, Regulatory and Licensing Engineering, in the Nuclear Services Division, of the 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 rulemaking proceedings, and am authorized to apply for its withholding on behalf of the Westinghouse Electric Company, LLC.
- (2) I am making this Affidavit in conformance with the provisions of 10CFR Section 2.790 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 the Westinghouse Electric Company, LLC 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 2.790 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 which 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 10CFR Section 2.790, 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 Adequacy Evaluation of RELAP5/MOD3, Version 3.2.1.2 for Simulating AP600 Small Break Loss-of-Coolant Accidents, INEL-06/0400 (Proprietary), April, 1997, being transmitted by the Westinghouse Electric Company, LLC letter and Application for Withholding Proprietary Information from Public Disclosure, AW-00-1426, Hank A. Sepp to Document Control Desk Attention: Samuel J. Collins. The proprietary information as submitted for use by Westinghouse Electric Company, LLC for the AP600 Design Certification is expected to be applicable in other licensee submittals in response to certain NRC requirements for justification of Small Break LOCA.

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

- (a) Develop and verify Analytical Models for Small Break LOCA
- (b) Validate computer codes used to analyze postulated accident conditions.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of meeting NRC requirements for Licensing Documentation.
- (b) Westinghouse can sell support and defense of AP600 Design Certification.

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 methodologies 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 for performing and analyzing tests.

Further the deponent sayeth not.