



Westinghouse Electric Company LLC

Nuclear Services Business Unit

Box 355  
Pittsburgh, Pennsylvania 15230-0355

June 7, 2001

LTR-NRC-01-15

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

Attention:: Mr. John Cushing, NRR/DLPM/LPD4, Mail Stop 4D7

Subject: "Westinghouse Nuclear Automation Basis for Change to CENPD-396-P Appendix 3, Digital Plant Protection System" (Proprietary) June 2001, "Westinghouse Nuclear Automation Basis for Change to CENPD-396-P Appendix 3, Digital Plant Protection System" (Non-Proprietary) June 2001

Dear Mr. Cushing:

Provided with this letter are three copies each of proprietary and non-proprietary versions of the proprietary attachment, "Westinghouse Nuclear Automation Basis for Change to CENPD-396-P Appendix 3, Digital Plant Protection System."

Accordingly, the following documents are enclosed:

1. One copy of the Application for Withholding, AW-01-1461 with Proprietary Information Notice and Copyright Notice.
2. One copy of Affidavit, AW-01-1461.

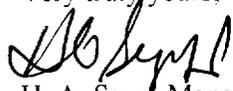
The referenced attachment contains Westinghouse proprietary information consisting of trade secrets, commercial information, and product development strategies, which we consider privileged or confidential pursuant to 10 CFR 2.790. Therefore, it is requested that the Westinghouse proprietary information attached thereto be handled on a confidential basis and be withheld from public disclosures. The proprietary material in the referenced submittals 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.

*Add: John Cushing* <sup>T007</sup>

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 proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, AW-01-1461 and should be addressed to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'H. A. Sepp', written in a cursive style.

H. A. Sepp, Manager

Regulatory and Licensing Engineering



Westinghouse Electric Company LLC

Box 355  
Pittsburgh Pennsylvania 15230-0355

June 7, 2001

AW-01-1461

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

Attention: Mr. John S. Cushing

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

Subject: "Westinghouse Nuclear Automation Basis for Change to CENPD-396-P Appendix 3, Digital Plant Protection System" (Proprietary) June 2001, and "Westinghouse Nuclear Automation Basis for Change to CENPD-396-P Appendix 3, Digital Plant Protection System" (Non-Proprietary) June 2001

Dear Mr. Cushing:

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 presentation material. In conformance with 10 CFR Section 2.790, Affidavit AW-01-1461 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 that 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-01-1461 and should be addressed to the undersigned.

Very truly yours,

H. A. Sepp, Manager  
Regulatory and Licensing Engineering

Enclosures

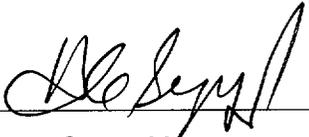
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared H. A. Sepp, Manager, 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:

  
\_\_\_\_\_  
H. A. Sepp, Manager  
Regulatory and Licensing Engineering

Sworn to and subscribed  
before me this 7<sup>th</sup> day  
of June, 2001

  
\_\_\_\_\_  
Notary Public

Notarial Seal  
Kay E. Gongaware, Notary Public  
Monroeville Boro, Allegheny County  
My Commission Expires Feb. 7, 2005  
Member, Pennsylvania Association of Notaries

- (1) I am Manager, Regulatory and Licensing Engineering, in the Nuclear Services 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 constitute Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of the following areas of potential competitive advantage:

- (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.

In some cases, the following may also apply:

- (g) Information is not the property of Westinghouse, but must be treated as proprietary by Westinghouse according to agreements with the owner.

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.
- (g) Unrestricted disclosure would violate a proprietary agreement between Westinghouse and the owner of the information.

- (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.
- (v) The proprietary information sought to be withheld is that which is appropriately marked in the proprietary attachment, "Westinghouse Nuclear Automation Basis for Change to CENPD-396-P Appendix 3, Digital Plant Protection System."

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 evaluation justifications 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 several months of development effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, a significant manpower effort, having the requisite talent and experience, would have to be expended for developing a comparable method.

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 2.790 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 (g) 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)(g) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.790(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 2.790 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.

Non Proprietary Class 3



Westinghouse Electric Company

**Westinghouse Nuclear Automation**

**Basis for Change to CENPD-396-P, Appendix 3**

**Digital Plant Protection System**

## **Background**

Simultaneous failure of the CPC OM and MTP is addressed in Appendix 2 to the Common Q Topical Report, CENPD-396-P. Simultaneous loss of the OM and MTP is also addressed in the PAMS Appendix (Appendix 1) FMEA.

No such provision exists in the DPPS Appendix, Appendix 3.

## **Discussion**

Table 1 includes the pertinent entries in the DPPS appendix for MTP Inoperable, OM inoperable and a new entry for both MTP and OM inoperable.

In the case of the DPPS, loss of the OM and MTP is permissible for a limited period of time for two reasons:

- 1) The simultaneous loss of the OM and MTP does not prevent the DPPS channel from performing its safety-related function, and the OPERABILITY is not directly impacted. However, this simultaneous failure would make it impossible to make changes to the setpoints, perform manual bypasses, or directly monitor channel status from within the channel.
- 2) The DPPS trip setpoints and pertinent variables are monitored by the cross channel comparison feature of the ITP. Trips/Pre-trips and bypasses are annunciated, and indicators provide status of monitored plant parameters. Thus, in steady state, OM and MTP features are effectively redundant.

A design decision was made not to force a channel trip for the simultaneous OM and MTP failure because this may result in an inadvertent reactor trip and ESFAS actuation, if there is a trip condition in any other channel. Neither of these consequences is desirable or justifiable for a condition that does not represent a legitimate plant threat.

The OM or MTP will be restored as soon as possible, but at the least in time to perform required channel surveillance, or the operator will have to declare the channel inoperable with the concomitant requirement for channel bypass or trip.

The modification to Table 1 is provided just following item 24. This modification will be included with the next revision to CENPD-396-P, Appendix 3, Common Qualified Platform Digital Plant Protection System.

If the staff has any comments related to the content of this letter, please contact Mr. Larry Erin directly at (724) 733-6456.

**Table 1**  
**FMEA Table from CENPD 396P Appendix 3**  
**Digital Plant Protection System (DPPS)**

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