

*Att*

DCP/NRC1562

Page 2 of 2

April 2, 2003

bcc: C. B. Brinkman - Westinghouse, Rockville, MD  
W. E. Cummins \* - Westinghouse, Pittsburgh, PA, EC E3  
H. A. Sepp - Westinghouse, Pittsburgh, PA, EC E4-07A  
R. P. Vijuk \* - Westinghouse, Pittsburgh, PA, EC E3-05  
J. W. Winters \* - Westinghouse, Pittsburgh, PA, EC E3-08

*W/o Attachments*

*D063*



Westinghouse Electric Company  
Nuclear Plant Projects  
P.O. Box 355  
Pittsburgh, Pennsylvania 15230-0355  
USA

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

Direct tel: 412-374-5355  
Direct fax: 412-374-5456  
e-mail: corletmm@westinghouse.com

ATTENTION: Mr. Segala

Your ref: Docket No. 52-006  
Our ref: DCP/NRC1562

April 2, 2003

SUBJECT: Future U.S. NRC Meeting with Westinghouse in regard to AP1000 Small Break  
LOCA Analysis using NOTRUMP

Dear Mr. Segala:

A meeting will be held at the NRC offices in Rockville on April 3, 2003 with members of the NRC staff for the purpose of discussing the Westinghouse AP1000 NOTRUMP Computer Code. At this meeting, we will be discussing details of the NOTRUMP code which we consider proprietary to Westinghouse Electric Company. Therefore, we request that this meeting be closed to members of the public.

Attached please find our Application for Withholding and Affidavit pertaining to the proprietary subject matter that will be discussed at the upcoming meeting.

Please contact me at 412-374-5355 if you have any questions concerning this submittal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. M. Corletti'.

M. M. Corletti  
Passive Plant Projects & Development  
AP600 & AP1000 Projects

/Attachment

1. Westinghouse Electric Company Application for Withholding and Affidavit

D.

DCP/NRC1562

April 2, 2003

**Attachment 1**

Westinghouse Electric Company Application for Withholding Affidavit



Westinghouse Electric Company  
Nuclear Power Plants  
P.O. Box 355  
Pittsburgh, Pennsylvania 15230-0355  
USA

April 2, 2003

AW-03-1618

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

ATTENTION: Mr. John Segala

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: U.S. Nuclear Regulatory Commission Meeting with Westinghouse Electric Company,  
in regard to AP1000 Small Break LOCA Analysis using NOTRUMP

Dear Mr. Segala:

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. This application regards the proposed meeting to be held at the Westinghouse Energy Center on April 3, 2003 as described in the Westinghouse letter DCP/NRC1562. At that meeting, details of the Westinghouse NOTRUMP Computer Code will be discussed. These details include commercial strategic information proprietary to Westinghouse that is customarily held in confidence.

In conformance with 10 CFR Section 2.790, Affidavit AW-02-1547 accompanies this application for withholding setting forth the basis on which the identified proprietary information may be withheld from public disclosure. The basis of designating the information to be discussed in the August 20<sup>th</sup> meeting as proprietary are described in articles (a), (c) and (d) identified in the attached affidavit.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference AW-03-1618 and should be addressed to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. W. Winters'.

J. W. Winters, Manager  
Passive Plant Projects & Development  
AP600 & AP1000 Projects

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared James W. Winters, 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:

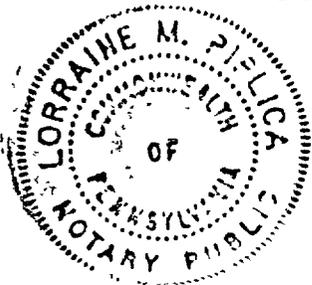


James W. Winters, Manager  
Passive Plant Projects & Development  
AP600/AP1000 Projects  
Nuclear Power Plants Business Unit  
Westinghouse Electric Company, LLC

Sworn to and subscribed  
before me this 2<sup>ND</sup> day  
of April, 2003



Notary Public



Notarial Seal  
Lorraine M. Piplica, Notary Public  
Monroeville Boro, Allegheny County  
My Commission Expires Dec. 14, 2003  
Member, Pennsylvania Association of Notaries

- (1) I am Manager, Passive Plant Projects & Development, in the New Plants 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 10 CFR 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 10 CFR 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.

This information will be discussed at an upcoming U.S. NRC meeting as described by Westinghouse's letter and Application for Withholding Proprietary Information from Public Disclosure, being transmitted by Westinghouse Electric Company (Westinghouse letter AW-03-1618) and to the Document Control Desk, Attention: Mr. Segala.

This information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of building an AP1000 nuclear facility.
- (b) Westinghouse can sell support and defense of AP1000 standard plant.

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.

### Copyright Notice

The documents 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 these 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.

### **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) 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).