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Our ref: AW-04-1878
August 17, 2004

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

Reference:

- (1) WCAP-16318-P Rev 00 (Proprietary) "IRIS Small Break LOCA Phenomena Identification and Ranking Table (PIRT)," August 2004.

Westinghouse hereby transmits the above-referenced proprietary documents for which withholding is requested pursuant to Affidavit AW-04-1878. This affidavit, which accompanies this letter and is signed by the owner of the proprietary information, Westinghouse Electric Company LLC, 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 10 CFR Section 2.390(b)(4) of the Commission's regulations.

In conformance with the requirements of 10 CFR 2.390, Westinghouse confirms that the information contained within the referenced documents is proprietary. The justification for claiming these documents as proprietary is identified in Sections (4)(ii)(a) through (4)(ii)(f) of the enclosed affidavit.

Communication with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, AW-04-1878, and be addressed to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'I. C. Rickard', written over a horizontal line.

Ian C. Rickard
Licensing Project Manager
Regulatory Compliance and Plant Licensing

Enclosure

cc: W. A. Macon (NRC)

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AFFIDAVIT

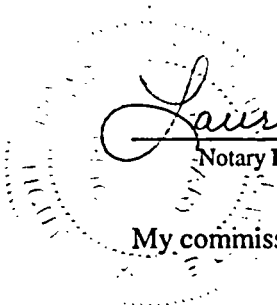
STATE OF CONNECTICUT)
) ss: WINDSOR, CT
COUNTY OF HARTFORD)

Before me, the undersigned authority, personally appeared Ian C. Rickard, 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:



Ian C. Rickard,
Licensing Project Manager
Regulatory Compliance and Plant Licensing

Sworn to and subscribed before me
This 17th day of August 2004.



Laurie J. White
Notary Public
My commission expires August 31, 2009.

- (1) I, Ian C. Rickard, depose and say that I am the Licensing Project Manager 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 the Westinghouse Electric Company LLC.
- (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 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 10 CFR 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.
- (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.
- (iii) There are sound policy reasons behind the Westinghouse system for classification of proprietary information, 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.
- (iv) 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.
- (v) 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.
- (vi) The proprietary information sought to be withheld in this submittal is that which is contained in (1) Westinghouse Report WCAP-16318-P Rev 00, "IRIS Small Break LOCA Phenomena Identification and Ranking Table (PIRT)" dated August 2004.

The information is part of a model that will enable Westinghouse to evaluate the probability ranking of potential small break loss-of-coolant accidents in the passive IRIS (International Reactor Innovative and Secure) modular pressurized water reactor with an internal primary system component configuration, and in particular to supporting potential customers in the application of such, including:

- (a) The identification of important phenomena relevant to the potential occurrence of a small break loss-of-coolant accident, including the quantification of dominant failure mechanisms, operational considerations and model implementation, and
- (b) A generic methodology for the applicability of the prioritization and failure ranking criteria to the IRIS passive modular pressurized water reactor.

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 the application and defense of the IRIS phenomena identification and ranking table.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology that 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 advanced nuclear power plant designs and to provide 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

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, Westinghouse confirms that the information in Topical Report WCAP-16318-P Rev 00, "IRIS Small Break LOCA Phenomena Identification And Ranking Table," dated August 2004 is proprietary. The justification for claiming this information as proprietary is indicated in Sections (4)(ii)(a) through (4)(ii)(f) of affidavit CAW-04-1831 accompanying this transmittal.

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