



Westinghouse Electric Company  
Nuclear Services  
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USA

U.S. Nuclear Regulatory Commission  
Document Control Desk  
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Attn: Mr. George Wonder

Our ref: LTR-NRC-05-61

October 19, 2005

**TRANSMITTAL OF PROPRIETARY INFORMATION**  
**Pressurizer Spray Nozzle Weld Overlay Design for Millstone Unit 3**

Enclosed are:

Westinghouse Drawing 10051C91, Revision 1 (Proprietary)  
Westinghouse Drawing 379445B (Proprietary)

Also enclosed are:

1. One (1) copy of the Application for Withholding, AW-05-2060 (Non-proprietary).
2. One (1) copy of Affidavit (Non-proprietary).

This information is being submitted by Westinghouse Electric Company LLC in response to a request by the NRC to Dominion Nuclear Connecticut for information relating to welds at the Millstone Unit 3 plant.

Please note that, although spray nozzle drawing 379445B has been verified to be applicable to Millstone Unit 3, including the approximate dimensions and materials shown hereon, this drawing should not be used for design purposes. Further, it can not be proven that the depicted stainless steel liner precludes the pressurizer environment from contacting the weld.

This submittal contains proprietary information of Westinghouse Electric Company, LLC. In conformance with the requirements of 10 CFR Section 2.390, as amended, of the Commission's regulations, we are enclosing with this submittal an Application for Withholding from Public Disclosure and an affidavit. The affidavit sets forth the basis on which the information identified as proprietary may be withheld from public disclosure by the Commission.

*APOI*

*Received 11/22/05  
at the NRC*

October 19, 2005

Correspondence with respect to the affidavit or Application for Withholding should reference AW-05-2060 and should be addressed to B. F. Maurer, Acting Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. F. Maurer". The signature is written in a cursive style with a large, stylized "M" and "R".

B. F. Maurer, Acting Manager  
Regulatory Compliance and Plant Licensing

Enclosures

cc: B. Benney  
L. Feizollahi

**bcc:** B. F. Maurer (ECE 4-7A) 1L  
R. Bastien, 1L (Nivelles, Belgium)  
C. Brinkman, 1L (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)  
RCPL Administrative Aide (ECE 4-7A) (letter and affidavit only)  
Clint J Gladding, 1L (Millstone)  
Richard W. McIntosh, 1L (Millstone)  
Michael F. Marino, 1L (Millstone)  
R. Grendys (ECE 5<sup>th</sup> floor) 1L



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Our ref: AW-05-2060

October 19, 2005

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

**Subject: Proprietary Information in Support of Pressurizer Spray Nozzle Weld Overlay Design for Millstone Unit 3: Westinghouse Drawings 10051C91, Revision 1 and 379445B (Proprietary)**

The Application for Withholding is submitted by Westinghouse Electric Company LLC (Westinghouse), pursuant to the provisions of Paragraph (b) (1) of Section 2.390 of the Commission's regulations. It contains commercial strategic information proprietary to Westinghouse and customarily held in confidence.

The drawings which are being requested to be withheld since they are considered to be proprietary in their entirety are further identified in affidavit AW-05-2060. In conformance with 10 CFR Section 2.390, Affidavit AW-05-2060 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 10 CFR Section 2.390 of the Commission's regulations.

Correspondence with respect to this Application for Withholding or the accompanying affidavit should reference AW-05-2060 and should be addressed to B. F. Maurer, Acting Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. F. Maurer" followed by a stylized flourish.

B. F. Maurer, Acting Manager  
Regulatory Compliance and Plant Licensing

Enclosures

cc: B. Benney  
L. Feizollahi

**bcc: B. F. Maurer (ECE 4-7A) 1L**  
**R. Bastien, 1L (Nivelles, Belgium)**  
**C. Brinkman, 1L (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)**  
**RCPL Administrative Aide (ECE 4-7A) (Letter and affidavit only)**

- (1) I am Manager, Fuel Engineering Licensing, in Nuclear Fuel, 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" 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 in Westinghouse drawings 10051C91, Revision 1 (Proprietary) and 379445B (Proprietary), being transmitted by Westinghouse letter (LTR-NRC-05-61) and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse for the Millstone Unit 3 plant is expected to be applicable for other licensees.

This information is part of that which will enable Westinghouse to address weld issues.

Further this information has substantial commercial value as follows:

- (a) Westinghouse can sell the use of similar information to its customers for purposes of addressing weld issues.
  
- (b) 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 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.

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared R. B. Sisk, 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:



R. B. Sisk, Manager

Fuel Engineering Licensing

Sworn to and subscribed  
before me this 19<sup>th</sup> day  
of October, 2005



Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Lorraine M. Piplica, Notary Public  
Monroeville Boro, Allegheny County  
My Commission Expires Dec. 14, 2007

Member, Pennsylvania Association Of Notaries