



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

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555-0001

Direct tel: (412) 374-4643  
Direct fax: (412) 374-4011  
e-mail: greshaja@westinghouse.com

Our ref: AW-08-2398

March 11, 2008

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

**Subject:** Westinghouse Calculation CN-CPS-08-10 Rev 0, "Operating Experience Analyses for WCAP-15830, Staggered Integrated ESF/LOOP Testing at CE NSSS Plants," 3/11/08.

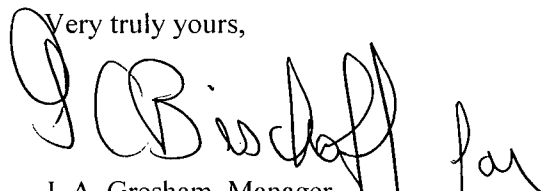
**Reference:** PWROG letter OG-07-339, Submittal of WCAP-15830-P, Revision 1, "Staggered Integrated ESF and LOOP Surveillance Testing at CE NSSS Plants," July 2007, PWROG Task 2016/PA-OSC-0367

This 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 and/or strategic information proprietary to Westinghouse and customarily held in confidence. Information provided herewith is transmitted in response to a staff request regarding report WCAP-15830, which was transmitted for staff review via the Reference letter.

The proprietary material for which withholding is being requested is contained in the subject calculation; a non-proprietary version of this calculation does not exist. In conformance with 10 CFR Section 2.390, Affidavit AW-08-2398 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-08-2398 and should be addressed to J. A. Gresham, Manager, Plant Operations and Support Engineering, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

  
J. A. Gresham, Manager  
Plant Operations and Support Engineering

Enclosures

cc: H. Cruz (NRC O- 12 E1)

1007  
Add: H. Cruz  
e105 NRR

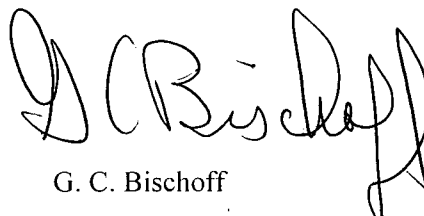
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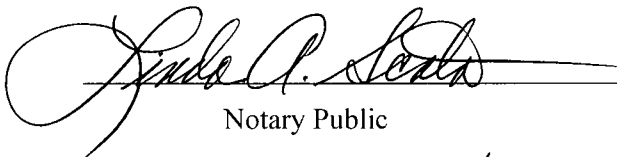
Before me, the undersigned authority, personally appeared Gordon C. Bischoff, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this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



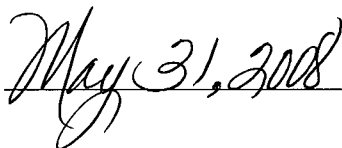
G. C. Bischoff

Program Manager, PWR Owner's Group

Sworn to and subscribed before me  
this 11<sup>th</sup> day of March 2008

  
Notary Public

My Commission Expires:



- (1) I am the PWR Owner's Group Program 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 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 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 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 transmittal is that which is contained in Westinghouse Calculation CN-CPS-08-10, Rev 0, "Operating Experience Analyses for WCAP-15830, Staggered Integrated ESF/LOOP Testing at CE NSSS Plants." This calculation is transmitted to the NRC Document Control Desk by letter from J. A. Gresham, Westinghouse, which contains an Application for Withholding of

Westinghouse Proprietary Information from Public Disclosure. The proprietary information as submitted by Westinghouse for application to CE NSSS plants is expected to be applicable in other licensee submittals.

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

- (a) Describe the methodology developed to justify extending the surveillance test interval for certain engineered safety feature and loss of off-site power equipment in CE NSSS plants,
  - (b) Describe the results obtained by the application of such methodology, and
  - (c) Support licensees in plant-specific applications of the methodology.
- (vii) 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 and for implementing such staggered engineered safety feature / loss of offsite power testing at customer plants.
  - (b) Westinghouse can sell support and defense of the staggered integrated engineered safety feature / loss of off-site power testing program.
  - (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 probabilistic risk analyses 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.

Further the deponent sayeth not.

### **PROPRIETARY INFORMATION NOTICE**

Transmitted herewith is a proprietary Westinghouse calculation. This calculation is furnished to the NRC in connection with a request for generic and/or plant-specific review and approval of report WCAP-15830, Rev 01.

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 advises that the information which is contained in this calculation is proprietary in its entirety and that a non-proprietary version of this calculation does not exist. The justification for claiming the information as proprietary is that Westinghouse customarily holds calculations in confidence for the reasons identified in Sections (4)(ii) through (4)(vii) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

### **COPYRIGHT NOTICE**

The calculation transmitted herewith bears 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 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.