



Program Management Office
4350 Northern Pike
Monroeville, Pennsylvania 15146

Project Number 694

July 14, 2009

OG-09-271

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-001

Subject: PWR Owners Group
**PWROG Meeting to Discuss Testing in Support of NRC Generic
Letter 2008-01 - Transmittal of Presentation Slides**

Enclosed is a copy of the proprietary version of presentation slides, "PWROG Meeting to Discuss Testing in Support of NRC Generic Letter 2008-01 - Transmittal of Presentation Slides" for a meeting held on July 8 and 9, 2009.

Also enclosed is:

1. One (1) copy of the Application for Withholding Proprietary Information from Public Disclosure, AW-09-2614 (non-proprietary) with Proprietary Information Notice and Copyright Notice.
2. One (1) copy of Affidavit (non-proprietary).

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 Proprietary Information 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.

Correspondence with respect to this Affidavit or Application for Withholding should reference AW-09-2614 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Correspondence related to this transmittal should be addressed to:

Mr. Anthony Nowinowski
Manager, Owners Group Program Management Office
Westinghouse Electric Company
Mail Stop ECE 5-16
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355

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NRR

If you have any questions, please do not hesitate to contact me at 254-897-5851 or Mr. Anthony Nowinowski of the Owners Group Program Management Office at 412-374-6855.

Sincerely yours,

 Approving For O.E. Buschbaum

Dennis E. Buschbaum, Chairman
PWR Owners Group

DB:rfn

Enclosures (3)

cc: PWROG Management Committee
PWROG Steering Committee
PWROG Systems & Equipment Engineering Subcommittee
PWROG PMO
H. Cruz, USNRC
W. Lyons, USNRC
G. J. Corpora, Westinghouse
W. M. Turkowski, Westinghouse
S. R. Swantner, Westinghouse
L. I. Ezekoye, Westinghouse



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Our ref: AW-09-2614

July 14, 2009

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: OG-09-271 Enclosure, "PWROG Meeting to Discuss Testing in Support of NRC Generic Letter 2008-01 - Transmittal of Presentation Slides" (proprietary)

Reference: Letter from D. E. Buschbaum to Document Control Desk, OG-09-271, dated July 14, 2009

The Application for Withholding Proprietary Information from Public Disclosure 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 proprietary material for which withholding is being requested is to be considered proprietary in its entirety. As such, a non-proprietary version will not be issued. In conformance with 10 CFR Section 2.390, Affidavit AW-09-2614 accompanies this Application for Withholding, setting forth the basis on which the 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-09-2614 and should be addressed to J. A. Gresham, 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 "J. A. Gresham".

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

cc: G. Bacuta (NRC OWFN 12E-1)

Enclosures

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared R. M. Span, 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:



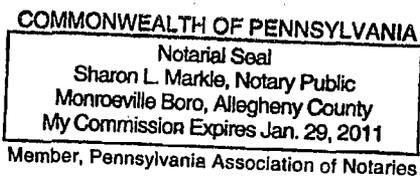
R. M. Span, Principal Engineer

Regulatory Compliance and Plant Licensing

Sworn to and subscribed before me
this 14th day of July, 2009



Notary Public



- (1) I am Principal Engineer, Regulatory Compliance and Plant Licensing, 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 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 which is appropriately marked in, "PWROG Meeting to Discuss Testing in Support of NRC Generic Letter 2008-01 - Transmittal of Presentation Slides" (proprietary) for a meeting held on July 8 and 9, 2009, for submittal to the Commission, being transmitted by Westinghouse letter (OG-09-271) and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is that associated with Generic Letter 2008-01 Gas Intrusion activities.

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

- (a) Document data collected during testing conducted at Purdue University.

- (b) Develop correlations and models to predict gas transport in pump suction systems
- (c) Establish acceptance criteria for allowable gas volumes.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of the information to its customers for the purpose of determining acceptance criteria for allowable gas volumes in pump suction piping.
- (b) Westinghouse can sell support and defense of the data and methods used in the model
- (c) 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 engineering services 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 are proprietary documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval. Westinghouse considers these documents proprietary in their entirety.

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 2.390 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.