

ENCLOSURE 1

**LICENSE AMENDMENT REQUEST 249
KEWAUNEE POWER STATION CONVERSION TO IMPROVED TECHNICAL
SPECIFICATIONS**

**CONTENTS OF THE KEWAUNEE POWER STATION IMPROVED TECHNICAL
SPECIFICATIONS (ITS) SUBMITTAL**

**KEWAUNEE POWER STATION
DOMINION ENERGY KEWAUNEE, INC.**

CONTENTS OF THE KEWAUNEE POWER STATION IMPROVED TECHNICAL SPECIFICATIONS (ITS) SUBMITTAL

Attachment 1 of the submittal for the conversion of the current Technical Specifications (CTS) to the ITS for Kewaunee consists of the following sixteen volumes:

Volume Title

1. Application of Selection Criteria to the Kewaunee Power Station Technical Specifications
2. Generic Determination of No Significant Hazards Considerations and Environmental Assessment
3. ITS Chapter 1.0, Use and Application
4. ITS Chapter 2.0, Safety Limits
5. ITS Section 3.0, Limiting Condition for Operation (LCO) Applicability and Surveillance Requirement (SR) Applicability
6. ITS Section 3.1, Reactivity Control Systems
7. ITS Section 3.2, Power Distribution Limits
8. ITS Section 3.3, Instrumentation
9. ITS Section 3.4, Reactor Coolant System
10. ITS Section 3.5, Emergency Core Cooling Systems (ECCS)
11. ITS Section 3.6, Containment Systems
12. ITS Section 3.7, Plant Systems
13. ITS Section 3.8, Electrical Power Systems
14. ITS Section 3.9, Refueling Operations
15. ITS Chapter 4.0, Design Features
16. ITS Chapter 5.0, Administrative Controls

Volume 1 is provided to assist the Nuclear Regulatory Commission (NRC) in the review and approval of Volumes 2 through 16. Below is a brief description of the content of each of the volumes in this submittal.

Volume 1

Volume 1 provides details concerning the application of the selection criteria to the individual Kewaunee CTS. Each CTS Specification is evaluated, and a determination is

made as to whether or not the CTS Specification meets the criteria in 10 CFR 50.36(c)(2)(ii) for retention in the proposed ITS.

Volume 2

Volume 2 contains the majority of the evaluations required by 10 CFR 50.91(a), which support a finding of No Significant Hazards Consideration (NSHC). Based on the inherent similarities in the NSHC evaluations, generic evaluations for a finding of NSHC have been written for the following categories of CTS changes:

- Administrative Changes
- More Restrictive Changes
- Relocated Specifications
- Removed Detail Changes
- Less Restrictive Changes - Category 1 - Relaxation of LCO Requirements
- Less Restrictive Changes - Category 2 - Relaxation of Applicability
- Less Restrictive Changes - Category 3 - Relaxation of Completion Time
- Less Restrictive Changes - Category 4 - Relaxation of Required Action
- Less Restrictive Changes - Category 5 - Deletion of Surveillance Requirement
- Less Restrictive Changes - Category 6 - Relaxation of Surveillance Requirement Acceptance Criteria
- Less Restrictive Changes - Category 7 - Relaxation of Surveillance Frequency
- Less Restrictive Changes - Category 8 - Deletion of Reporting Requirements
- Less Restrictive Changes - Category 9 – Allowed Outage Time, Surveillance frequency, and Bypass Time extensions Based on Generic Topical Reports

For those less restrictive changes that do not fall into one of the generic Less Restrictive Changes categories, specific NSHC evaluations have been performed and are provided in the applicable Chapter, Section, or Specification in Volumes 3 through 16.

In addition, Volume 2 contains an evaluation of environmental consideration in accordance with 10 CFR 51.21. It has been determined that the proposed license amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(b), and no environmental impact statement or environmental assessment need be prepared in connection with the proposed license amendment.

Volumes 3 through 16

Volumes 3 through 16 provide the details and justification to support the proposed changes. Each volume corresponds to a Chapter, Section, or Specification of NUREG-1431, Revision 3.0. Each volume contains the required information to review the conversion to ITS, and include the following:

- Individual ITS Specifications in:
 - ITS Chapter (Volumes 3, 4, and 15);
 - Section (Volume 5); or
 - Specification (Volumes 6 through 14 and 16) order.
- Relocated/Deleted CTS Specifications (if applicable); and
- ISTS Specifications not adopted in the Kewaunee ITS (if applicable).

The information for each of the above three types of specifications is organized as follows:

CTS Markup and Discussion of Changes (DOCs) (applicable only to Individual ITS Specifications and Relocated/Deleted CTS Specifications)

This section contains a markup of the CTS pages, either for CTS pages associated with an Individual ITS Specification or for Relocated/Deleted CTS Specifications, and the DOCs from the CTS. CTS license amendment requests under NRC review that have been docketed as of August 31, 2009 have been incorporated in the proposed changes as described in Enclosure 4 of this submittal.

The CTS markup pages for each ITS Specification are normally in numerical order. However, more than one CTS Specification is sometimes used in the generation of an ITS Specification. In this case, the CTS pages that are the major contributor to the ITS Specification are shown first, followed by the remaining associated CTS pages in numerical order.

The left-hand margin of the CTS markup pages includes a cross-reference to the equivalent ITS requirement. The upper right-hand corner of the CTS markup pages is annotated with the ITS Specification number to which it applies. Items on the CTS markup pages that are addressed in other proposed ITS Chapters, Sections, or Specifications are annotated with a reference to the appropriate ITS Chapter, Section, or Specification.

The CTS markup pages are annotated with an alphanumeric designator to identify the differences between the CTS and the proposed ITS. The designator corresponds to a DOC, which provides the description and justification of the change. The DOCs are located directly following the associated CTS markup for each Chapter or Section (Volumes 3, 4, 5, and 15) or each Specification (Volumes 6 through 14 and 16).

Each proposed change to the CTS is classified into one of the following categories:

<u>Designator</u>	<u>Category</u>
A	ADMINISTRATIVE CHANGES - Changes to the CTS that do not result in new requirements or change operational restrictions or flexibility. These changes are supported in aggregate by a single generic NSHC.
M	MORE RESTRICTIVE CHANGES - Changes to the CTS that result in added restrictions or reduced flexibility. These changes are supported in aggregate by a single generic NSHC.
R	RELOCATED SPECIFICATIONS - Changes to the CTS that relocate specifications that do not meet the selection criteria of 10 CFR 50.36(c)(2)(ii). These changes are supported in aggregate by a single generic NSHC.
LA	REMOVED DETAIL CHANGES - Changes to the CTS that eliminate detail and relocate the detail to a licensee-controlled document. Typically, this involves details of system design and function, or procedural detail on methods of conducting a Surveillance Requirement. These changes are supported in aggregate by a single generic NSHC. In addition, the generic type of removed detail change is identified in italics at the beginning of the DOC.
L	LESS RESTRICTIVE CHANGES - Changes to the CTS that result in reduced restrictions or added flexibility. These changes are supported either in aggregate by a generic NSHC that addresses a particular category of less restrictive change, or by a specific NSHC if the change does not fall into one of the ten categories of less restrictive changes. If the less restrictive change is covered by a generic NSHC, the category of the change is identified in italics at the beginning of the DOC.

The DOCs are numbered sequentially within each letter designator for each ITS Chapter, Section, or Specification.

The CTS Bases pages are replaced in their entirety by the proposed Kewaunee ITS Bases, and markup pages are not provided in the ITS submittal.

ISTS Markup and Justification for Deviations (JFDs) (applicable only to Individual ITS Specifications and ISTS Specifications not adopted in the Kewaunee ITS)

This section contains a markup of the NUREG-1431, Revision 3.0, ISTS pages, either for ISTS pages associated with an Individual ITS Specification or ISTS Specifications not adopted in the Kewaunee ITS, and JFDs from the ISTS. The ISTS pages are annotated with a numeric designator to identify the differences between the ISTS and the proposed ITS. The designator corresponds to a JFD, which provides the justification for the difference. The JFDs are located directly following the associated ISTS markup for each Chapter or Section (Volumes 3, 4, 5, and 15) or each Specification (Volumes 6 through 14 and 16). The ISTS markup pages are also annotated to show the incorporation of NRC-approved generic changes (Technical Specification Task Force (TSTF) change travelers) that are applicable to the Kewaunee ITS.

The left-hand margin of the ISTS markup pages includes a cross-reference to the equivalent CTS requirement.

ISTS Bases Markup and JFDs (applicable only to Individual ITS Specifications and ISTS Specifications not adopted in the Kewaunee ITS)

This section contains a markup of the NUREG-1431, Revision 3.0, ISTS Bases pages, either for ISTS Bases pages associated with an Individual ITS Specification or ISTS Specifications not adopted in the Kewaunee, and JFDs from the ISTS Bases. The ISTS Bases pages are annotated with a numeric designator to identify the differences between the ISTS Bases and the proposed ITS Bases. The designator corresponds to a JFD, which provides the justification for the difference. The JFDs are located directly following the associated ISTS Bases markup for each Chapter or Section (Volumes 3, 4, 5, and 15) or each Specification (Volumes 6 through 14 and 16). The ISTS Bases markup pages are also annotated to show the incorporation of NRC-approved generic changes (TSTF change travelers) that are applicable to the Kewaunee ITS Bases. The volumes for ITS Chapters 1.0, 4.0, and 5.0 do not include this section, because NUREG-1431, Revision 3.0, does not include any Bases for these Chapters.

Determination of NSHC (applicable only to Individual ITS Specifications and Relocated/Deleted CTS Specifications)

This section contains the determination in accordance with 10 CFR 50.91(a)(1) using the criteria of 10 CFR 50.92(c) to support a finding of NSHC. For those changes covered by a generic NSHC, those generic NSHCs are located in

Volume 2. For those less restrictive changes that do not fall into one of the generic less restrictive categories, a specific NSHC evaluation has been performed. Each evaluation is annotated to correspond to the DOC discussed in the NSHC. For those ITS Chapters, Sections, or Specifications for which the less restrictive DOCs all fall into a generic category, a statement that there are no specific NSHCs is provided.

ENCLOSURE 2

**LICENSE AMENDMENT REQUEST 249
KEWAUNEE POWER STATION CONVERSION TO IMPROVED TECHNICAL
SPECIFICATIONS**

BEYOND SCOPE CHANGES

**KEWAUNEE POWER STATION
DOMINION ENERGY KEWAUNEE, INC.**

Beyond Scope Changes

Beyond Scope Changes are those changes included in the Improved Technical Specifications (ITS) conversion submittal that are beyond the scope of the Improved Standard Technical Specifications (ISTS) as described in NUREG-1431, Revision 3.0, and also beyond the scope of the Kewaunee Power Station (Kewaunee) current Technical Specifications (CTS). The following is a list of the discussions of changes (DOCs) in Attachment 1 that are Beyond Scope Changes in the Kewaunee ITS conversion submittal.

- 1) CTS Table TS 3.5-3 Functional Unit 4.d, Motor-Driven Auxiliary Feedwater (AFW) Pumps 4KV Buses 1-5 and 1-6 undervoltage, requires 1 channel per bus to be OPERABLE. If one of the required channels are inoperable, the unit is required to maintain HOT SHUTDOWN. ITS 3.3.2 does not include this Function for the Motor-Driven AFW pumps. (Refer to Attachment 1 Volume 8, ITS 3.3.2, DOC L04).
- 2) CTS 3.4.b.4.B, allows 4 hours to restore one of the two inoperable AFW trains to OPERABLE status. A note is being proposed, added to SR 3.7.5.1, allowing that when one AFW header cross-tie valve is closed during testing of the motor driven AFW pump, the turbine driven AFW train may be considered OPERABLE provided the cross-tie valve is capable of being remotely realigned. (Refer to Attachment 1 Volume 12, ITS 3.7.5, DOC L05).
- 3) CTS 3.7.a.7 requires the DGs to be OPERABLE. However, no explicit requirements are specified in the CTS for the DG Starting Air Systems. ITS 3.8.3 ACTION E provides the actions when a DG air compressor is inoperable and ITS 3.8.3 ACTION F provides the actions if the requirements of ACTION E are not met or if the required air receiver bank for one or more DGs is not within limits. (Refer to Attachment 1 Volume 13, ITS 3.8.3, DOC L03).

Although not considered "Beyond Scope Changes" DEK has identified several changes which may require additional NRC Staff review. The following is a listing of those changes.

- 1) CTS 3.14.b provides the action for inoperable snubbers, and requires one of the following (1, 2, or 3) within 72 hours when one or more snubbers are inoperable: 1) replace or restore the inoperable snubber; 2) isolate the fluid line restrained by the inoperable snubber from other safety related systems; or 3) shut down the unit to HOT SHUTDOWN within 36 hours. DEK is proposing that ITS LCO 3.0.8.b allow 24 hours to restore the snubber(s) before declaring the supported system inoperable when one or more snubbers are not capable of providing their associated support function(s) to more than one subsystem of a multiple subsystem supported system. (Refer to Attachment 1 Volume 5, DOC M01).

- 2) DEK is proposing to adopt TSTF 411, "Surveillance Test Interval Extensions for Components of the Reactor Protection System (WCAP-15376-P), TSTF-418, "RPS and ESFAS Test Times and Completion Times (WCAP-14333)," and WCAP-10271, "Evaluation of Surveillance Frequencies and Out of Service Times for the Reactor Protection Instrumentation System." (Refer to Attachment 1 Volume 8, ITS 3.3.1, DOCs M13, L05, L06, L09, L10, L12, and L14, ITS 3.3.2, DOCs L01, L03, L08, and L09).
- 3) DEK is proposing to adopt TSTF-490, "Deletion of E Bar Definition and Revision to RCS Specific Activity Tech Spec." (Refer to Attachment 1 Volume 9, ITS 3.4.16 DOC L01)
- 4) CTS 3.4.a.3 states that with one or more MSSVs inoperable, they must be returned to OPERABLE status within 48 hours or a unit shutdown is required. ITS DEK is proposing to adopt 3.7.1 ACTION A and B, which provides the requirements when one or more MSSV are inoperable and the moderator temperature coefficient (MTC) is zero or negative at all power levels, and requires a reduction in THERMAL POWER to 55% RTP or less. (Refer to Attachment 1 Volume 12, ITS 3.7.1 DOCL01)
- 5) DEK is relocating the Spent Fuel Pool Sweep System and the Auxiliary Building Vent Monitors to the Technical Requirements Manual (TRM). (Refer to Attachment 1 Volume 12, CTS 3.8.a.9, DOC R01)
- 6) DEK proposes to relocate the Containment Closure Specifications to the TRM. (Refer to Attachment 1 Volume 14, CTS 3.8.a.1 and 3.8.a.8 DOC R01)

ENCLOSURE 3

**LICENSE AMENDMENT REQUEST 249
KEWAUNEE POWER STATION CONVERSION TO IMPROVED TECHNICAL
SPECIFICATIONS**

DISPOSITION OF GENERIC CHANGES TO NUREG-1431, REVISION 3.0

**KEWAUNEE POWER STATION
DOMINION ENERGY KEWAUNEE, INC.**

DISPOSITION OF GENERIC CHANGES TO NUREG-1431, REVISION 3.0

The following Nuclear Regulatory Commission (NRC)-approved (as of August 24, 2009) Technical Specification Task Force (TSTF) changes are adopted in whole or in part in the Kewaunee Power Station (Kewaunee) Improved Technical Specifications (ITS) submittal:

<u>TSTF</u>	<u>Description of TSTF</u>	<u>TSTFs Adopted</u>	<u>ITS Specification</u>
TSTF-369-A, Rev 1	Removal of Monthly Operating Report and Occupational Radiation Exposure Report		5.6
TSTF-372-A, Rev. 4	Addition of LCO 3.0.8, Inoperability of Snubbers		3.0.8
TSTF-412-A, Rev. 3	Provide Actions for One Steam Supply to Turbine Driven AFW/EFW Pump Inoperable		3.7.5
TSTF-421-A, Rev. 0	Revision to RCP Flywheel Inspection Program (WCAP-15666)		5.5.7
TSTF-439-A, Rev. 2	Eliminate Second Completion Times Limiting Time From Discovery of Failure To Meet an LCO		1.3, 3.6.6, 3.7.5, 3.8.1, and 3.8.9
TSTF-449-A, Rev. 4	Steam Generator Tube Integrity		1.1, 3.4.13, 3.4.17, 5.5.7, and 5.6.5
TSTF-471-A, Rev. 1	Eliminate use of term CORE ALTERATIONS in ACTIONS and Notes		1.1, 3.8.2, 3.8.5, 3.8.8, 3.8.10, 3.9.1, and 3.9.2,

DISPOSITION OF GENERIC CHANGES TO NUREG-1431, REVISION 3.0

<u>TSTFs Adopted</u>		
<u>ISTF</u>	<u>Description of ISTF</u>	
	<u>ITS Specification</u>	
TSTF-475-A, Rev. 1	Control Rod Notch Testing Frequency and SRM Insert Control Rod Action	1.4
TSTF-479-A, Rev. 0	Changes to Reflect Revision of 10 CFR 50.55a	5.5.6
TSTF-482-A, Rev. 0	Correct LCO 3.0.6 Bases	3.0.6
TSTF-485-A, Rev. 0	Correct Example 1.4-1	1.4
TSTF-490-A, Rev. 0	Deletion of E Bar Definition and Revision to RCS Specific Activity Tech Spec	1.1 and 3.4.16
TSTF-491-A, Rev. 2	Removal of Main Steam and Main Feedwater Valve Isolation Times from Technical Specifications	3.7.2 and 3.7.3,
TSTF-497-A, Rev. 0	Limit Inservice Testing Program SR 3.0.2 Application to Frequencies of 2 Years or Less	5.5.6
TSTF-511-A, Rev. 0	Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26	5.2.2

DISPOSITION OF GENERIC CHANGES TO NUREG-1431, REVISION 3.0

The following NRC-approved (as of August 24, 2009) TSTF changes have not been included in the Kewaunee ITS submittal:

<u>TSTF</u>	<u>TSTFs Approved - Not Adopting</u>	<u>Reason for Not Adopting</u>
	<u>Description of TSTF</u>	
TSTF-343-A Rev 1	Containment Structural Integrity.	This TSTF approves exceptions to Regulatory Guide (RG) 1.163. The KPS Containment Leak Rate Testing Program does not take any exceptions to the RG 1.163 requirements.
TSTF-400-A, Rev. 1	Clarify SR on Bypass of DG Automatic Trips	Kewaunee design does not include a bypass of DG automatic trips
TSTF-425-A, Rev. 3	Relocate Surveillance Frequencies to Licensee Control - RITSTF Initiative 5b	DEK has decided not to incorporate this allowance.
TSTF-427-A, Rev. 2	Allowance for Non Technical Specification Barrier Degradation on Supported System OPERABILITY.	DEK has decided not to incorporate this new LCO 3.0.9 allowance.
TSTF-429-A, Rev. 3	Ice Mass Determination Surveillance Requirements	Kewaunee has different containment design
TSTF-448-A, Rev. 3	Control Room Habitability	DEK is submitting a separate LAR to incorporate this TSTF.

DISPOSITION OF GENERIC CHANGES TO NUREG-1431, REVISION 3.0

The following TSTFs are under NRC review, not approved as of the date of this submittal, but DEK is proposing to adopt into Kewaunee ITS:

<u>TSTF</u>	<u>Description of TSTF</u>	<u>ITS Specification</u>
TSTF-493	Clarify Application of Setpoint Methodology for LSSS Functions	5.5.16, 3.3.1, 3.3.2, 3.3.5, 3.3.6, and 3.3.7
TSTF-500	DC Electrical Rewrite - Update to TSTF-360	3.8.4, 3.8.5, 3.8.6, and 5.5.15

ENCLOSURE 4

**LICENSE AMENDMENT REQUEST 249
KEWAUNEE POWER STATION CONVERSION TO IMPROVED TECHNICAL
SPECIFICATIONS**

DISPOSITION OF EXISTING LICENSE AMENDMENT REQUESTS

**KEWAUNEE POWER STATION
DOMINION ENERGY KEWAUNEE, INC.**

DISPOSITION OF EXISTING LICENSE AMENDMENT REQUESTS

The following License Amendment Request(s) are under NRC review. The following table describes the request, its affect on the ITS conversion, and its disposition.

DISPOSITION OF EXISTING LICENSE AMENDMENT REQUESTS				
Submittal Date	Description of Change	Affected ITS Submittal Sections/Specifications	Affected CTS Pages	Disposition
August 12, 2008	Application for Renewed Operating License	None	None	Under review, expect decision from Director-NRR Nov. 2010 (ML090860946) (TAC NO. MD9408)

ENCLOSURE 5

**LICENSE AMENDMENT REQUEST 249
KEWAUNEE POWER STATION CONVERSION TO IMPROVED TECHNICAL
SPECIFICATIONS**

**AFFIDAVIT FOR WITHHOLDING, PROPRIETARY INFORMATION NOTICE, AND
COPYRIGHT NOTICE**

**KEWAUNEE POWER STATION
DOMINION ENERGY KEWAUNEE, INC**



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Our ref: CAW-09-2619

July 21, 2009

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: WCAP-15376 Implementation Guideline Approach to Address the Conditions and Limitations in the NRC's Safety Evaluation (proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-09-2619 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The Affidavit, which accompanies this letter, 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 paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying Affidavit by Dominion Generation.

Correspondence with respect to the proprietary aspects of the Application for Withholding Proprietary Information from Public Disclosure or the Westinghouse Affidavit should reference this letter, CAW-09-2619, 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,

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

Enclosures

cc: George Bacuta (NRC OWFN 12E-1)

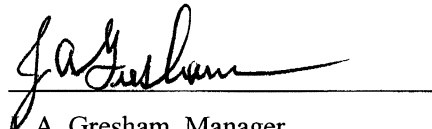
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COMMONWEALTH OF PENNSYLVANIA:

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COUNTY OF ALLEGHENY:

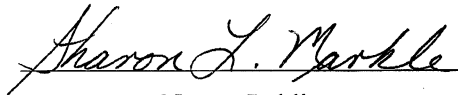
Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit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



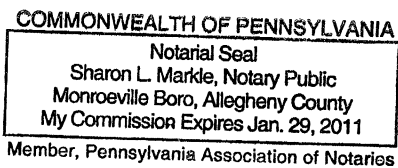
J. A. Gresham, Manager

Regulatory Compliance and Plant Licensing

Sworn to and subscribed before me
this 21st day of July, 2009



Notary Public



- (1) I am Manager, 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 "WCAP-15376 Implementation Guideline Approach to Address the Conditions and Limitations in the NRC's Safety Evaluation" (proprietary) on behalf of the PWR Owners Group by Westinghouse, being transmitted by the PWR Owners Group letter and Application for Withholding Proprietary Information from Public Disclosure to the Document Control Desk. The proprietary information as submitted for use by the PWR Owners Group is applicable to other licensee submittals..

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

- (a) Provide risk-informed assessment of the RTS and ESFAS to extend the interval for surveillance testing.

(b) Provide licensing defense services.

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 extending surveillance testing intervals.
- (b) Westinghouse can sell support and defense of extending surveillance testing intervals.
- (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 assessments 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 and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

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