



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

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

Direct tel: (412) 374-4643  
Direct fax: (412) 374-3846  
e-mail: greshaja@westinghouse.com

Our ref: LTR-NRC-09-46

Date: August 24, 2009

**Subject: Correction to Application for Withholding Proprietary Information AW-09-2612**

- References:**
1. Letter, C. L. Kling (Westinghouse) to T. J. Kenyon (NRC), "Submittal of Meeting Presentation Materials Entitled 'Seismic Isolation of the IRIS' (Proprietary / Non-Proprietary)," STD-AR-09-2, July 13, 2009
  2. Letter, J. A. Gresham (Westinghouse) to USNRC Document Control Desk, "Submittal of Meeting Presentation Materials Entitled 'Seismic Isolation of the IRIS' (Proprietary / Non-Proprietary)," AW-09-2612, July 7, 2009

On July 14, 2009, Westinghouse Electric Company, LLC (Westinghouse) held a meeting with the Nuclear Regulatory Commission (NRC) to discuss seismic isolation of the IRIS reactor. In conjunction with this meeting, Westinghouse submitted (Reference 1) supporting proprietary and non-proprietary presentation materials. This submittal was accompanied by an application for withholding the proprietary materials from public disclosure (Reference 2). Westinghouse has identified typographical errors in Reference 2 in that it specified two (2) different document identification numbers for the application for withholding, specifically AW-09-2549 and AW-09-2612. The correct document identifier should have been AW-09-2612. Attached herewith is a revised application for withholding correcting this error (i.e., AW-09-2612, Rev. 1).

If you have any questions regarding this matter, please do not hesitate to call me at (860) 731-4643.

Very truly yours,

A handwritten signature in black ink, appearing to read "James A. Gresham".

James A. Gresham, Manager  
Regulatory Compliance & Plant Licensing

cc: C. L. Kling (Westinghouse)  
G. Bacuta (NRC)  
T. J. Kenyon (NRC)

DOTA  
NRC



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

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

Direct tel: (412)-374-4643  
Direct fax: (412) 374-3846  
e-mail: greshaja@westinghouse.com

Our ref: AW-09-2612, Rev. 1

Date: August 24, 2009

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

**Subject: Submittal of Meeting Presentation Materials Entitled "Seismic Isolation of the IRIS"**

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 proprietary material for which withholding is being requested is identified in the proprietary version of the subject document. In conformance with 10 CFR Section 2.390, Affidavit AW-09-2612, Rev. 1 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-09-2612, Rev. 1 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 & Plant Licensing

Enclosures

cc: George Bacuta (NRC)

August 24, 2009

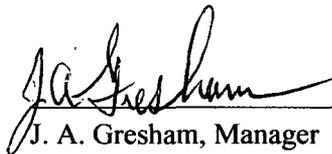
**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA:

ss:

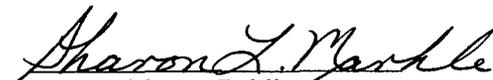
COUNTY OF ALLEGHENY:

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  
Nuclear Systems

Sworn to and subscribed before  
me this 24<sup>th</sup> day of August 2009

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Sharon L. Markle, Notary Public  
Monroeville Boro, Allegheny County  
My Commission Expires Jan. 29, 2011

Member, Pennsylvania Association of Notaries

- (1) I, James A. Gresham, depose and say that I am the Manager, Regulatory Compliance & 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 the July 14, 2009 meeting presentation materials entitled "Seismic Isolation of the IRIS." This document is being transmitted by Westinghouse letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk.

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

- (a) Describe details of a conceptual design and assessment methodology for seismic isolation of the International Reactor Innovative and Secure (IRIS) advanced power plant design.

- (b) Develop a design and assessment methodology for seismic isolation.
- (c) Use computer codes to analyze postulated seismic conditions and structural responses.

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 support and defense of IRIS Design Certification.
- (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 expense. 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.