

Westinghouse
Electric Corporation

Power Systems
Company


PWR Systems Division
Box 355
Pittsburgh Pennsylvania 15230

February 10, 1977

AW-77-8

Dr. D. F. Ross, Assistant Director
Division of Systems Safety
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: Experiments with Upper Head Injection

REF.: Westinghouse Letter No. NS-CE-1360, Eicheldinger to Ross,
dated February 10, 1977

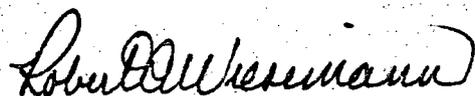
Dear Dr. Ross:

The proprietary material transmitted by the referenced letter supplements the proprietary material previously submitted concerning the experiments conducted by Westinghouse with respect to Upper Head Injection.

Accordingly, withholding the subject information from public disclosure is requested in accordance with a previously submitted affidavit and application for withholding, AW-76-19, dated June 10, 1976, a copy of which is attached.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference AW-77-8 and should be addressed to the undersigned.

Very truly yours,


Robert A. Wiesemann, Manager
Licensing Programs

/smh

Attachment

cc: J. A. Cooke, Esq.
Office of the Executive Legal Director, NRC

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PDR ADOCK 05000286
P PDR



Westinghouse
Electric Corporation

Power Systems
Company

WRD Systems Division

Box 355
Pittsburgh Pennsylvania 15230

June 10, 1976
AW-76-19

Dr. D. F. Ross, Assistant Director
Division of Systems Safety
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
1717 H Street
Washington, D.C. 20555

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: Response to NRC Request for Additional Information on WCAP-8400 (Proprietary) and WCAP-8479 (Proprietary) Concerning the Upper Head Injection (UHI) System

REF: Westinghouse Letter No. NS-CE-1098 Eicheldinger to Ross
Dated June 10, 1976

Dear Dr. Ross:

This application for withholding is submitted by Westinghouse Electric Corporation ("Westinghouse") pursuant to the provisions of paragraph (b)(1) of Section 2.790 of the Commission's regulations. Withholding from public disclosure is requested with respect to the subject information which is further identified in the affidavit accompanying this application.

The undersigned has reviewed the information sought to be withheld and is authorized to apply for its withholding on behalf of Westinghouse, WRD, notification of which was sent to the Secretary of the Commission on April 19, 1976.

The affidavit accompanying this application 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 Section 2.790 of the Commission's regulations.

Accordingly it is respectfully requested that the subject information which is proprietary to Westinghouse and which is further identified in the affidavit be withheld from public disclosure in accordance with 10 CFR Section 2.790 of the Commission's regulations.

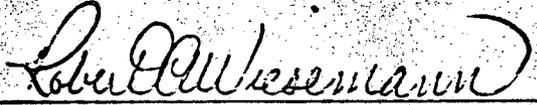
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

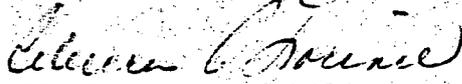
SS

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Robert A. Wiesemann, 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 Corporation ("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:


Robert A. Wiesemann, Manager
Licensing Programs

Sworn to and subscribed
before me this 10th day
of June 1976.


Notary Public

REBECCA A. LOVINCE, NOTARY PUBLIC
SALISBURYVILLE, PENNSYLVANIA
BY COMMISSION EXPIRES APR. 15, 1978

- (1) I am Manager, Licensing Programs, in the Pressurized Water Reactor Systems Division, of Westinghouse Electric Corporation 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 or rule-making proceedings, and am authorized to apply for its withholding on behalf of the Westinghouse Water Reactor Divisions.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.790 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 Nuclear Energy Systems 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 2.790 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.
- (g) It is not the property of Westinghouse, but must be treated as proprietary by Westinghouse according to agreements with the owner.

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 which 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 in 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 2.790, it is to be received in confidence by the Commission.
- (iv) The information is not available in public sources 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 attachment to Westinghouse Letter NS-CE-1098, Eicheldinger to Ross, dated June 10, 1976. The letter and attachments are being submitted in response to NRC Questions on the Westinghouse Proprietary Documents WCAP-8400 and WCAP-8479.

This information enables Westinghouse to:

- (a) Justify the integrity of the Westinghouse design with upper head injection.
- (b) Assist its customers to obtain plant licenses
- (c) Meet warranties
- (d) Justify design correlations and prediction techniques
- (e) Provide greater flexibility to customers assuring them of safe and reliable operation.

Further, the information gained is of commercial value and is sold for considerable sums of money as follows:

- (a) Westinghouse sells operating plant services based upon the use of this information
- (b) Westinghouse uses the information to perform and justify analyses which are sold to customers
- (c) Westinghouse sells the use of the information to its customers for purposes of meeting NRC requirements for operating plants.

Public disclosure of this information is likely to cause substantial harm to the competitive position of Westinghouse as it would eliminate the need for the expenditure of time, money, experimental effort, and analytical evaluation by the competitors of Westinghouse.

The tests performed and analysis methods formulated and their evaluation represent a considerable amount of highly qualified development effort. The production of this information involved extensive programs in the areas of heat transfer and hydraulic analysis. Altogether, a substantial amount of money and effort has been expended by Westinghouse which could only be duplicated by a competitor if he were to invest similar sums of money and provided he had the appropriate talent available.

Further the deponent sayeth not.

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DOCKET NO. 50-286
DATE: 8/19/77

NOTE TO NRC AND/OR LOCAL PUBLIC DOCUMENT ROOMS

The following item submitted with letter dated 8/9/77
from Con Edison Co. of N. Y. is being withheld from
public disclosure, pending review, in accordance with Section 2.790.

PROPRIETARY INFORMATION

Westinghouse reports "Results of the Oct 1976 Augmented Startup
Program Test Conducted at Indian Point Unit 3" and "Results of
the Jan 1977 Augmented Startup Program Tests Conducted at Indian
Point Unit 3"..

A handwritten signature in black ink, appearing to read "D. J. [unclear]", is written over a horizontal line.

Regulatory File Room

