

PROP



Westinghouse
Electric Corporation

Energy Systems

Box 355
Pittsburgh Pennsylvania 15230-0355

August 21, 1996
CAW-96-1000

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

Attention: Mr. William T. Russell, Director

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

Subject: "Responses to NRC Request for Additional Information on the Extension of the
Surveillance Intervals for Instrument Channels at Indian Point 3" (Proprietary)

Dear Mr. Russell:

The proprietary information for which withholding is being requested in the above-referenced responses is further identified in Affidavit CAW-96-1000 signed by the owner of the proprietary information, Westinghouse Electric Corporation. 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 2.790 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying Affidavit by the New York Power Authority.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-96-1000, and should be addressed to the undersigned.

Very truly yours,

N. J. Liparulo, Manager
Regulatory and Engineering Networks

JB/bbp

cc: Kevin Bohrer/NRC(12H5)

Attachment

INT593:NSD384L:8/21/96

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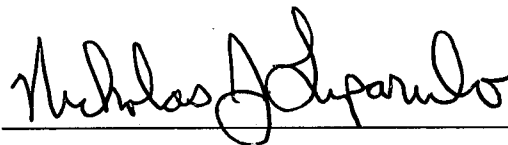
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS


COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Nicholas J. Liparulo, 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:

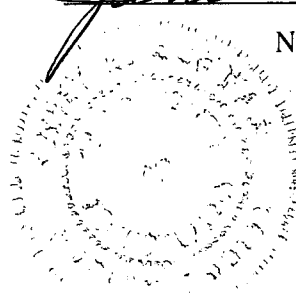
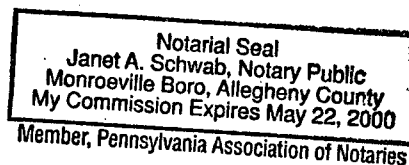


Nicholas J. Liparulo, Manager
Regulatory and Engineering Networks

Sworn to and subscribed
before me this 21st day
of August, 1996



Notary Public



- (1) I am Manager, Regulatory and Engineering Networks, in the Nuclear Services Division, of the 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 and rulemaking proceedings, and am authorized to apply for its withholding on behalf of the Westinghouse Energy Systems Business Unit.
- (2) I am making this Affidavit in conformance with the provisions of 10CFR 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 the Westinghouse Energy Systems Business Unit 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.

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 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 10CFR Section 2.790, 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 "Responses to NRC Request for Additional Information on the Extension of the Surveillance Intervals for Instrument Channels at Indian Point 3", (Proprietary), for Indian Point Unit 3, being transmitted by the New York Power Authority letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk, Attention Mr. William T. Russell. The proprietary information as submitted for use by the New York Power Authority for Indian Point Unit 3 is expected to be applicable in other licensee submittals in response to certain NRC requirements specified in Generic Letter 91-04 for the

extension of surveillance intervals for plant instrumentation to permit increased cycle length.

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

- (a) Provide documentation of the methods for determining instrumentation drift and channel uncertainties.
- (b) Provide the specific design information related to the parameters that are considered for each safety function.
- (c) Assist the customer to obtain NRC approval.

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 the technology to its customers in the licensing process.

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 calculation, evaluation 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 for developing testing and analytical methods and performing tests.

Further the deponent sayeth not.

PROP

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.

In order to conform to the requirements of 10 CFR 2.790 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) contained within parentheses located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.790(b)(1).

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 2.790 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.

ATTACHMENT II TO IPN-96-106

WESTINGHOUSE RESPONSES TO
NRC REQUEST FOR ADDITIONAL INFORMATION REGARDING
INSTRUMENTATION AND CONTROLS SURVEILLANCE EXTENSION

NON-PROPRIETARY VERSION

NEW YORK POWER AUTHORITY
INDIAN POINT 3 NUCLEAR POWER PLANT
DOCKET NO. 50-286
DPR-64

RESPONSE TO RAI ON THE EXTENSION OF THE SURVEILLANCE
INTERVAL FOR INSTRUMENT CHANNELS AT INDIAN POINT 3

1. Question 1

Please include data used in the analysis on diskette. I plan to repeat relevant calculations during my independent review. Please submit the data in Microsoft's Excel or Lotus 1-2-3 spreadsheet format.

Response to Question 1

A diskette containing the Microsoft Excel data base and file structure used for the drift evaluations is attached. This diskette includes an annotated sample calculation for Pressurizer Pressure to illustrate the application of the proprietary drift methodology. A non-proprietary version would contain essentially no numerical information. This diskette is only attached to the Proprietary Class 2 version of this response.

2. Question 2

Please submit all graphs that depict drift over time.

Response to Question 2

The diskette supplied in response to Question 1 includes graphs of drift over time. The graphical information is directly linked to the proprietary drift evaluation methodology.

3. Question 3

List instruments (or types) according to their assurance criteria: 95/95, 75/75, or engineering judgment.

Response to Question 3

As identified in IPN-96-067, the following probability/confidence levels were employed for the statistical drift calculations:

Pressurizer Pressure transmitters	95/95
Accumulator Pressure transmitters	75/75
Accumulator Level transmitters	75/75

4. Question 4

Do you employ a statistical procedure for identifying outliers? If so, then --

- a. What procedure do you use?
- b. What probability level do you use to reject an outlier?
- c. Do you use the statistical test for multiple outliers?

Response to Question 4

a,c

5. Question 5

Why do you remove an entire set when the majority of the points in the set are determined to be flawed? What is meant by set? If a set is a collection of readings on one instrument at one point in time, what are the consequences of the deletion of a set on the drift calculation of the following set?

Response to Question 5

a,c

6. Question 6

What are the consequences of removing all outliers? Of leaving all of them in?

Response to Question 6

a,c

7. Question 7

Elaborate on the conservative engineering judgment (p.3 of the request) you plan to implement for the miscellaneous control functions.

Response to Question 7

The discussion of miscellaneous control functions was provided for completeness within the context of the Westinghouse graded approach. For the IPN-96-067 submittal there were no functions that fell into this category. However, the approach that would be employed for this category is to perform a qualitative assessment of available surveillance data, vendor specifications, and experience with similar devices and establish a conservative drift allowance based on these considerations. Use of this approach would be expected to result in a drift allowance at least equal to the mean plus standard deviation of the data.

8. Question 8

How do you test for normality? How do you impart conservatism to the analysis if normality is not met?

Response to Question 8

a,c

9. Question 9

Describe your data sources: vendor, anecdotal, Indian Point, or Indian Point 3. Identify those sources in the spreadsheet (see item 1).

Response to Question 9

All statistical drift evaluations were based on as-left and as-found calibration data taken from the Indian Point 3 surveillance test procedures for the function being evaluated.

10. Question 10

Is your data set complete? If not, identify real data that was excluded from the analysis.

Response to Question 10

The drift evaluations were based on complete data sets. As stated previously, there has been no data excluded from the subject evaluations based on statistical outlier testing. Although there were several instances where data was determined to be flawed by mechanistic causes (e.g., due to failed equipment, identifiable measurement and test equipment problems), and hence removed from consideration, this is not considered to be "real" data since in these cases it is concluded that, in effect, the suspect data should not have been part of the data set.

11. Question 11

Describe your database, in terms of the number of instruments and the calibration intervals associated with each instrument.

Response to Question 11

The number of instruments, the nominal number of calibration intervals, and the range of calibration intervals associated with each statistical evaluation is as follows:

<u>Function</u>	<u># Inst.</u>	<u># Inter.</u>	<u>Range of Inter.</u>
Pressurizer Pressure	4	7	7 to 22 months
Accumulator Level	8	4	1 to 20 months
Accumulator Pressure	8	4	8 to 18 months

12. Question 12

Do you use a single criterion to decide if drift is time independent?
If so, what is this criterion?

Response to Question 12

a,c

13. Question 13

If you decide that drift is time independent, how are the uncertainties accommodated in time extrapolation? Is the drift estimate a point estimate, a percentile estimate, a confidence limit, or tolerance factor?

Response to Question 13

a,c

14. Question 14

If you decide that drift is time dependent, how are the uncertainties accommodated in time extrapolation? Is the drift estimate a point estimate, a percentile estimate, a confidence limit, or tolerance factor?

Response to Question 14

a,c