



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

Direct tel: 256-716-4590
Direct fax: 256-830-2109
e-mail: dawn.bates@wyle.com

Our ref: T57428B-002

March 10, 2010

Subject: One (1) Proprietary Drawing Number D09044 sheet 3 of 5

Wyle Laboratories, Inc. (Wyle) submits this letter to transmit four (4) copies of Drawing Number D09044 sheet 3 of 5 "Hot Water Loop Plan and Elevations". This document is being submitted in support of discussions between USNRC, Westinghouse, the Pressurized Water Reactor Owners Group (PWROG), and Wyle Laboratories, Inc. regarding jet impingement testing that was performed as part of the GSI-191 resolution process, and to document references cited in those communications. As such, no review fee or separate Safety Evaluation (SE) is expected.

Also enclosed is:

1. One (1) copy of the Application for Withholding, AW-T57428B-032010 (non-proprietary) with Proprietary Information Notice for Drawing Number D09044 sheet 3 of 5
2. One (1) copy of Affidavit (non-proprietary).

This submittal contains proprietary information of Wyle Laboratories, Inc. (Wyle). 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 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 the affidavit or Application for Withholding should reference T57428B-002 and should be addressed to Dawn K. Bates, Contracts Manager, Wyle Laboratories, Inc., P.O. Box 077777, Huntsville, AL 35807-7777.

Very truly yours,

Dawn K. Bates, Contracts Manager

Enclosures

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Attachment 1 to WyleRef. No.: T57428B-002

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

Subject: One (1) Proprietary Drawing Number D09044 sheet 3 of 5 "Hot Water Loop Plan and Elevations"

The Application for Withholding is submitted by Wyle Laboratories, Inc. (Wyle), pursuant to the provisions of Paragraph (b) (1) of Section 2.390 of the Commission's regulations. It contains commercial strategic information proprietary to Wyle and customarily held in confidence.

The proprietary material for which withholding is being requested is the entirety of the proprietary subject document. In conformance with 10 CFR Section 2.390, Affidavit Ref. # AFF-T57428B-032010 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 Wyle 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-T57428B-032010 and should be addressed to Dawn K. Bates, Contracts Manager, Wyle Laboratories, Inc., P.O. Box 077777, Huntsville, AL 35807-7777.

Very truly yours,

A handwritten signature in black ink that reads "Dawn K. Bates". The signature is written in a cursive, flowing style.

Dawn K. Bates, Contracts Manager

Enclosures



Attachment 2 to WyleRef. No.: T57428B-002
(Affidavit Ref. # AFF-T57428B-032010)

AFFIDAVIT

STATE OF ALABAMA:

ss

COUNTY OF MADISON:

Before me, the undersigned authority, personally appeared (Dawn K. Bates), who, being by me duly sworn according to law, deposes and says that she is authorized to execute this Affidavit on behalf of Wyle Laboratories, Inc. (Wyle), and that the averments of fact set forth in this Affidavit are true and correct to the best of her knowledge, information, and belief:

Dawn K. Bates, Contracts Manager
Wyle Laboratories, Inc., Huntsville, AL

Sworn to and subscribed before me
this 10th day of March, 2010

Notary Public

My Commission Expires
June 5, 2010



Affidavit Ref. # AFF-T57428B-032010

(continued)

- (1) I am Contracts Manager of Wyle Laboratories, Inc. (Wyle) in Huntsville, AL, 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 Wyle "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Wyle 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 Wyle.
 - (ii) The information is of a type customarily held in confidence by Wyle and not customarily disclosed to the public. Wyle 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 Wyle 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 Wyle's competitors without license from Wyle constitutes a competitive economic advantage over other companies.

Affidavit Ref. # AFF-T57428B-032010

(continued)

- (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 Wyle, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Wyle or customer funded development plans and programs of potential commercial value to Wyle.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Wyle system which include the following:

- (a) The use of such information by Wyle gives Wyle a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Wyle competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Wyle ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Wyle 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 Wyle of a competitive advantage.

Affidavit Ref. # AFF-T57428B-032010
(continued)

- (e) Unrestricted disclosure would jeopardize the position of prominence of Wyle in the world market, and thereby give a market advantage to the competition of those countries.
- (f) The Wyle 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 Drawing Number D09044 sheet 3 of 5 entitled "Hot Water Loop Plan and Elevations" on behalf of the Pressurized Water Reactors Owners Group by Wyle Laboratories, Inc., being transmitted by Wyle letter (T57428B-002) and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Wyle for the Pressurized Water Reactors Owners Group is expected to be applicable in answering NRC technical questions on several Wyle proprietary topical reports associated with jet impingement testing.

This information is part of that which will enable Wyle to respond to NRC questions regarding jet impingement testing conducted by Wyle and assist its utility customers in doing same.

Further this information has substantial commercial value as follows:

- (a) Wyle plans to sell the use of similar information to its customers for purposes of supporting analytical conclusions made in other Wyle proprietary topical reports.
- (b) Wyle can sell support and defense of conclusions of the testing program that was performed.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Wyle.

Affidavit Ref. # AFF-T57428B-032010
(continued)

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Wyle because it would enhance the ability of competitors to provide similar calculations, evaluations, and engineering judgments 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 significant experience in an intensive Wyle effort and the expenditure of a considerable sum of money.

In order for competitors of Wyle 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.