



Westinghouse Electric Company LLC
Columbia Fuel Site
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USA

Director, Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission
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Rockville, Maryland 20852-2738

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Your ref: _____
Our ref: LTR-RAC-14-11

February 11, 2014

SUBJECT: SEISMIC REPORT SUBMITTAL

Westinghouse Electric Company LLC (Westinghouse) is pleased to submit the enclosed copy of a proprietary report, "*Seismic Evaluation of the Columbia Fuel Fabrication Facility.*" This report is proprietary in its entirety, and a non-proprietary version is not submitted.

This report is being submitted to document completion with the following portion of SNM-1107 License Condition S-7: *The licensee shall complete additional enhancements to the structural and seismic response analysis and related additional criticality safety evaluations as outlined in LTR-RAC-12-27 by January 31, 2014.*

Westinghouse previously submitted its Integrated Safety Analysis Summary to reflect these changes per LTR-RAC-14-8 "*Westinghouse January 2014 Updated Integrated Safety Analysis (ISA) Summary*" on January 28, 2014.

This submittal contains proprietary information of Westinghouse. In conformance with the requirements of 10 CFR Section 2.390, as amended, of the Commission's regulations, enclosed with this submittal is an Application for Withholding Proprietary Information from Public Disclosure, with Proprietary Information Notice and Copyright Notice (Non-Proprietary), and an Affidavit (Non-Proprietary). The Affidavit sets forth the basis on which the information identified as proprietary may be withheld from public disclosure by the Commission.

Should you have any questions or require any additional information, please telephone me directly at (803) 647-3338.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Blair Parr".

Nancy Blair Parr, Manager
Licensing

Enclosures

1. Application for Withholding Proprietary Information from Public Disclosure (Non-Proprietary), with Proprietary Information Notice and Copyright Notice
2. One (1) copy of Affidavit (Non-Proprietary)
3. Seismic Evaluation of the Columbia Fuel Fabrication Facility (Proprietary)

cc: w/o att.

U. S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852-2738
Attn: Mr. Christopher Ryder
Mail Stop: EBB 2C40M

U. S. Nuclear Regulatory Commission, Region II
245 Peachtree Center Avenue NE, Suite 1200
Atlanta, GA 30303-1257
Attn: Mr. Manuel Crespo

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: "Seismic Evaluation of the Columbia Fuel Fabrication Facility" (Proprietary)

Reference: Letter from Nancy Blair Parr to Director, Office of Nuclear Material Safety and Safeguards,
LTR-RAC-14-11 dated February 11, 2014

The Application for Withholding Proprietary Information from Public Disclosure 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 detailed design information proprietary to Westinghouse and customarily held in confidence.

The information for which withholding is being requested is identified in the proprietary version of the subject report. In conformance with 10 CFR Section 2.390, an Affidavit accompanies this Application for Withholding Proprietary Information from Public Disclosure, 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.

Should you have any questions or require any additional information, please telephone me directly at (803) 647-3338.

Sincerely,



Nancy Blair Parr, Manager
Licensing

AFFIDAVIT

- (1) I am the Plant Manager, Columbia Fuel Fabrication Facility (CFFF) within Nuclear Fuel, 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 Westinghouse CFFF submittals to the NRC, 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 Proprietary Information from Public Disclosure 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.
- (iii) 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 competitors 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.
- (iv) 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.
- (v) 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.
- (vi) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in the enclosed report, "Seismic Evaluation of the Columbia Fuel Fabrication Facility" (Proprietary), for submittal to the Commission, being transmitted by Westinghouse letter, LTR-RAC-14-11 and Application for Withholding Proprietary Information from Public Disclosure. The proprietary information as submitted by Westinghouse is that associated with a seismic structural evaluation of an existing facility and its associated Criticality Safety Evaluation and Integrated Safety Analysis, and may be used only for that purpose.

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 technical evaluation justifications and licensing defense services for fuel cycle facilities without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without commensurate expenses.

Development of the technical evaluation 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.

The averments of fact set forth in this Affidavit are true and correct to the best of my knowledge, information, and belief:



David J. Precht, Plant Manager
Columbia Fuel Fabrication Facility
Westinghouse Electric Company LLC

PROPRIETARY INFORMATION NOTICE

Transmitted herewith is a proprietary version of a document furnished to the NRC in connection with a request for plant-specific information, specifically seismic structural evaluation of the Westinghouse Columbia Fuel Fabrication Facility in support of its Criticality Safety Evaluation and Integrated Safety Analysis, and may be used only for that purpose. A non-proprietary version of the enclosure is essentially blank pages and therefore is not provided.

COPYRIGHT NOTICE

If any documents transmitted herewith bear a Westinghouse copyright notice, the NRC is permitted to make the number of copies of the information contained in this report which are necessary for its internal use in connection with review of the report, "*Seismic Evaluation of the Columbia Fuel Fabrication Facility* subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.