

PACIFIC GAS AND ELECTRIC COMPANY

PG&E +

P. O. BOX 7442 • 77 BEALE STREET, 31ST FLOOR, SAN FRANCISCO, CALIFORNIA 94106
TELEPHONE (415) 781-4211 TELECOPIER (415) 543-7813

MALCOLM H. FURBUSH
VICE PRESIDENT AND GENERAL COUNSEL

ROBERT OHLBACH
ASSOCIATE GENERAL COUNSEL

CHARLES T. VAN DEUSEN

PHILIP A. CRANE, JR.

HENRY J. LAPLANTE

JOHN B. GIBSON

ARTHUR L. HILLMAN, JR.

CHARLES W. THISELL

DANIEL E. GIBSON

ASSISTANT GENERAL COUNSEL

February 6, 1981

GILBERT L. HARRICK
GLENN WEST, JR.
JOSEPH I. KELLY
HOWARD V. ODLUM
JAMES D. LOSSON
ROBERT L. BORDON
PETER W. HANDESEN
RICHARD F. LOCKE
DAVID L. LUDVIGSON

EDWARD J. McGANNEY
DAN GRAVSON LUBBOCK
JACK F. FALLIN, JR.
BERNARD J. DELLABANTA
JOSHUA BAR-LEV
JOSEPH S. ENGLETT, JR.
ROBERT L. HARRIS
DOUGLAS A. GOLESBY

SENIOR COUNSEL

DAVID W. ANDERSON
DIANA BERGHAUSEN
LEIGH S. CASIDY
AUDREY DAINES
WILLIAM H. EDWARDS
DONALD D. ERICKSON
DAVID C. GILBERT
STEVEN F. GREENWALD
JUAN M. JAVO
F. RONALD LAUPHEIMER
HARRY W. LONG, JR.
A. KIRK MCKENZIE
RICHARD L. MEISS
ROBERT J. PETERS
ROBERT R. RICKETT
SHIRLEY A. SANDERSON
JO ANN SHAFFER
LOUIS E. VINCENT
SHIRLEY A. WOOD
KENNETH YANG

J. PETER BAUMBARTNER
STEVEN P. BURKE
PAMELA CHAPPELLE
MICHAEL G. DESMARAIS
GARY P. ENDINAS
JOHN N. FRYE
PATRICK G. GOLDEN
PAULA Y. HAYNES
RICHARD C. JONES
MEREK E. LIPSON
JOHN R. LOW
ROBERT E. McLENNAN
RICHARD H. MOSS
J. MICHAEL REIDENBACH
IVOR E. SAMPSON
SUSAN LEVIN SCHIFF
JACK W. SHUCK
DAVID J. WILLIAMSON
BRUCE R. WORTHINGTON

ATTORNEYS

Mr. Frank J. Miraglia, Jr., Chief
Licensing Branch No. 3
Division of Licensing
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Re: Docket No. 50-275
Docket No. 50-323
Diablo Canyon Units 1 and 2

Subject: Application for Withholding Proprietary
Information from Public Disclosure

Dear Mr. Miraglia:

Attached are copies of a document entitled, "PGandE Response to Item II.F.2 Instrumentation for Detection of Inadequate Core Cooling." This information is being submitted in support of the application associated with the Diablo Canyon Nuclear Power Plant.

This submittal contains information proprietary to Westinghouse Electric Corporation and is supported by an affidavit signed by Westinghouse, the owners of the information. The affidavit 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.

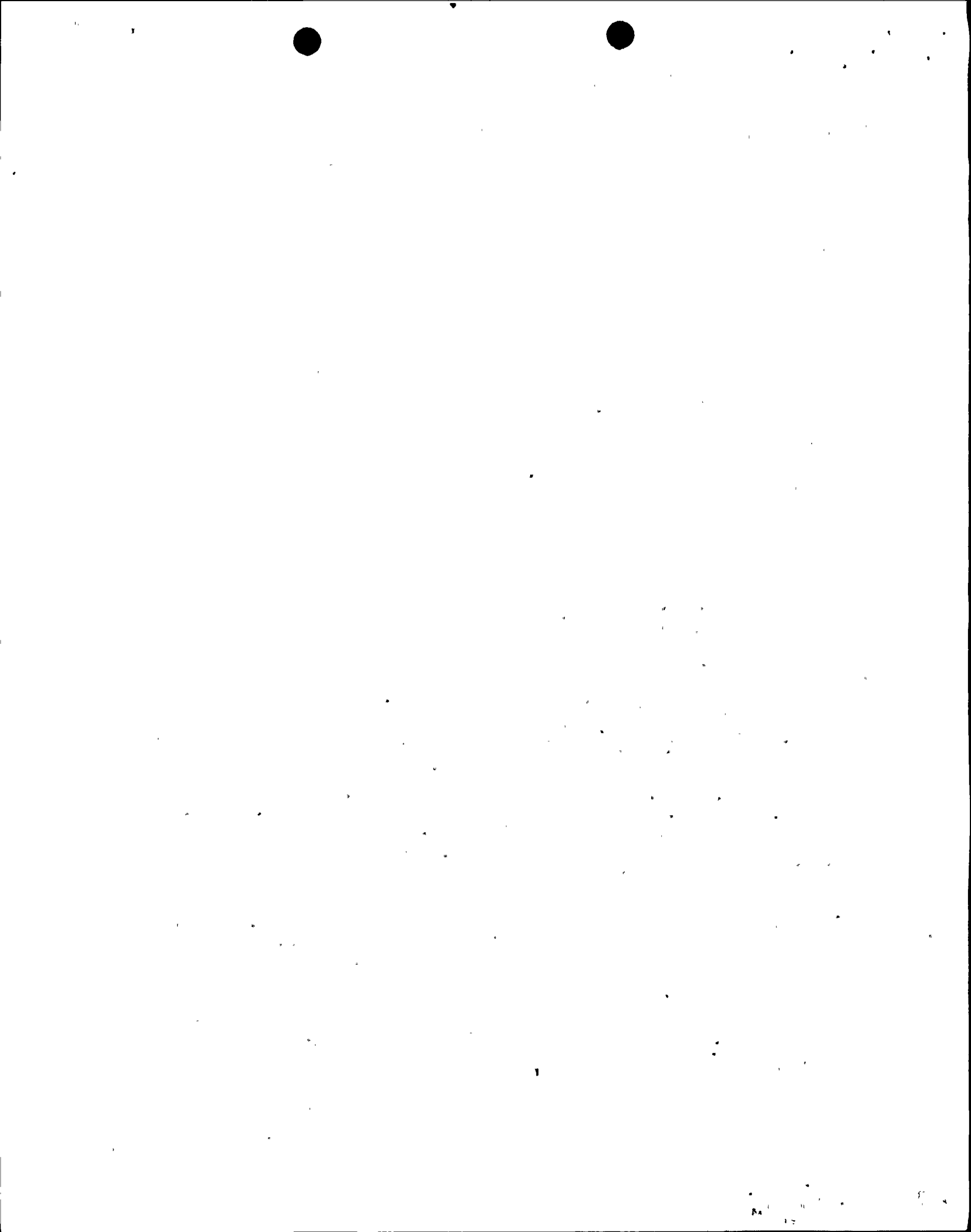
Accordingly, it is respectfully requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10CFR Section 2.790 of the Commission's regulations. Correspondence with respect to the proprietary aspects of this application for withholding or the supporting Westinghouse affidavit should reference CAW-80-76 and should be addressed to R. A. Wiesemann, Manager, Regulatory and Legislative Affairs, Westinghouse Electric Corporation, P. O. Box 355, Pittsburgh, Pennsylvania 15230.

Very truly yours,

Philip A. Crane

Attachment (5)

810 27170 135*



Westinghouse
Electric Corporation

Water Reactor
Divisions

Nuclear Technology Division

Box 355
Pittsburgh Pennsylvania 15230

December 23, 1980
CAW-80-76

Mr. Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Phillips Building
7920 Norfolk Avenue
Bethesda, Maryland 20014

ATTN: Lawrence E. Phillips
Core Performance Branch, DSI

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: Summary Report, Westinghouse Reactor Vessel Level Instrumentation
System for Monitoring Inadequate Core Cooling (Microprocessor
System)

REF: NUREG-0737 Part II.F.2, Instrumentation for Inadequate Core Cooling

Dear Mr. Eisenhut:

The proprietary material transmitted by the referenced letter supplements the proprietary material previously submitted concerning the Westinghouse development of ECCS models. Further, the affidavit submitted to justify the material previously submitted, AW-77-18, was approved by the Commission on October 28, 1977, and is equally applicable to this material.

Accordingly, withholding the subject information from public disclosure is requested in accordance with the previously submitted affidavit and application for withholding, AW-77-18, dated April 6, 1977, a copy of which is attached.

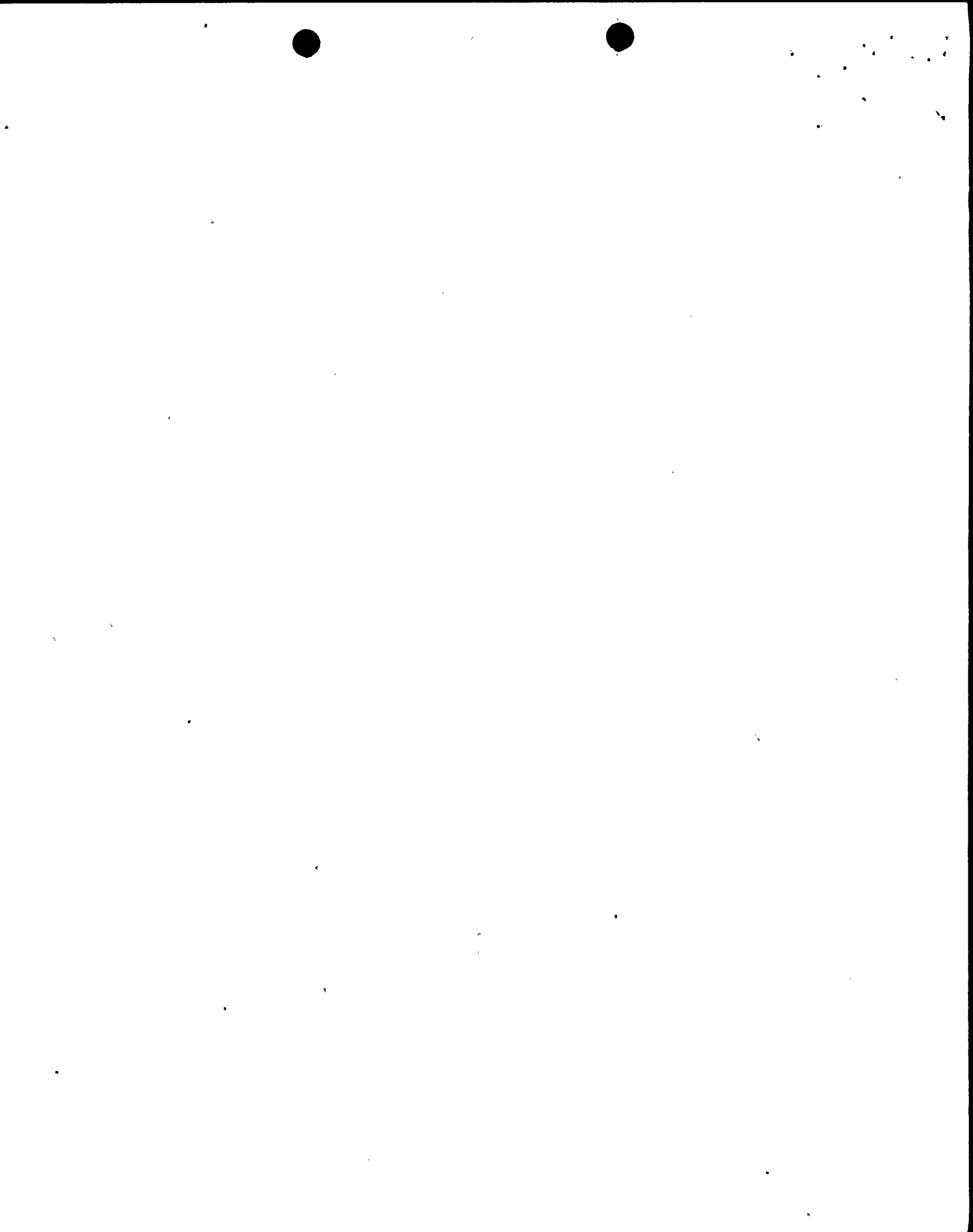
Correspondence with respect to this application for withholding or the accompanying affidavit should reference CAW-80-76, and should be addressed to the undersigned.

Very truly yours,

/bek
Attachment

for *W.M. Jacob*
Robert A. Wiesemann, Manager
Regulatory & Legislative Affairs

cc: E. C. Shomaker, Esq.
Office of the Executive Legal Director, NRC



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

Robert A. Wiesemann, Manager
Licensing Programs

Sworn to and subscribed
before me this 20 day
of April 1977.

Richard C. Rance
Notary Public



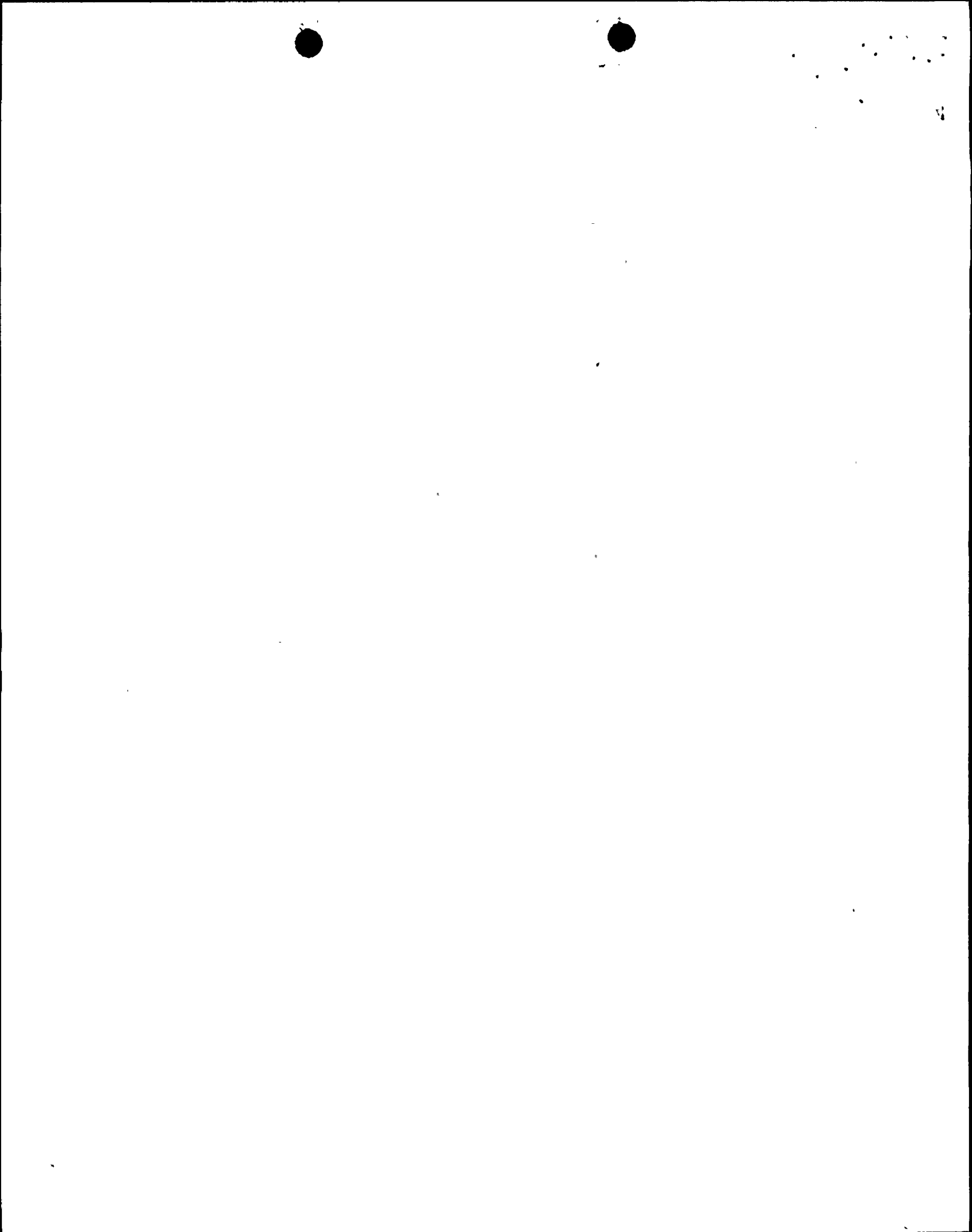
- (1) I am Manager, Licensing Programs, in the Pressurized Water Reactor Systems Division, of Westinghouse Electric Corporation and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear 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.



11

12

13

- (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.

DOCKET NO. 50-275/323

DATE: 2/19/81

NOTE TO NRC AND/OR LOCAL PUBLIC DOCUMENT ROOMS

The following item submitted with letter dated 2.6.81
from Pacific Gas & Elec Co. is being withheld from public disclosure
in accordance with Section 2.790.

PROPRIETARY INFORMATION

FORWARDS PROP. & NONPROP. RESPONSES TO
NUREG -0737

Sharon Hunt
m/s -016

Distribution Services Branch

31



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

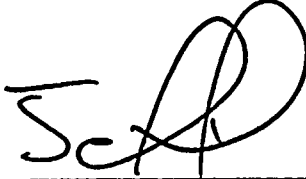
MEMORANDUM FOR: TERA CORPORATION
FROM: US NRC/TIDC/DOCUMENT MANAGEMENT BRANCH
SUBJECT: Special Document Handling Requirements

1. Please use the following special distribution list for the attached document.

2. The attached document requires the following special considerations:

- Do not send oversize enclosures to the NRC PDR.
- Only one oversize enclosure was received - please return for Regulatory File storage.
- Proprietary information - send only non-proprietary portions to the NRC PDR.
- Other: (specify)

cc: DMB Files


TIDC/DMB Authorized Signature

