



Westinghouse
Electric Corporation

Energy Systems

Nuclear Technology Division

Box 355
Pittsburgh Pennsylvania 15230-0355

December 1, 1995
CAW-95-890

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: WCAP-13719, Rev. 2, proprietary "Westinghouse Revised Thermal Design Procedure Instruments Uncertainty Methodology for Turkey Point Units 3 & 4", dated Septebmer 1995.

Dear Mr. Russell:

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-95-890 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 Florida Power and Light Company.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-95-890, and should be addressed to the undersigned.

Very truly yours,

N. J. Liparulo, Manager
Nuclear Safety Regulatory & Licensing Activities

JJD/bbp
Enclosures

cc: Kevin Bohrer/NRC(12H5)

CAW890

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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).

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AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

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COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared James M. Brennan, 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:

James M. Brennan
James M. Brennan, Manager
Operating Plant Licensing

Sworn to and subscribed
before me this 1ST day
of December, 1995

Denise K. Henderson

Notary Public

Notarial Seal
Denise K. Henderson, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires Oct. 28, 1996
Member, Pennsylvania Association of Notaries



- (1) I am Manager, Operating Plant Licensing, in the Nuclear Technology 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 "Westinghouse Revised Thermal Design Procedure Instruments Uncertainty Methodology for Turkey Point Units 3 & 4", WCAP-13719, Rev. 2 (Proprietary), September, 1995 for Turkey Point Units 3 & 4, being transmitted by the Florida Power and Light (FP&L) 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 Florida Power and Light Company for the Turkey Point Units 3 & 4 is expected to be applicable in other licensee submittals in response to certain

NRC requirements for justification of plant-specific calculations for the uncertainties associated with Pressurizer Pressure, Reactor Coolant System (RCS) Coolant Average Temperature (T_{avg}), RCS flow and Reactor Power for use in the Revised Thermal Design Procedure.

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

- (a) Provide documentation of the analyses, methods, and acceptability of previous examples wherein the Revised Thermal Design Procedure (RTDP) was used for reaching a conclusion relative to the determination of instrumentation errors for several operating parameters and the acceptability of the reactor protection system setpoints for these parameters.
- (b) Establish the relationships between various channel instrument error components and various channel instrument error allowances inasmuch as they are statistically dependent or independent.
- (c) Establish the instrument uncertainties for the RTDP parameters (pressure, pressure, RCS Flow, T_{avg} and Reactor Power) in terms of total uncertainty and normal, two-sided standard deviation uncertainty for each parameter.
- (d) 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 utilizing the RTDP methodology and meeting NRC requirements for licensing documentation.
- (b) Westinghouse can sell support and defense of the RTDP methodology.

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 licensing documentation 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 development and licensing of this technology.

Further the deponent sayeth not.

