

Westinghouse  
Electric Corporation

Water Reactor  
Divisions

Box 355  
Pittsburgh Pennsylvania 15230

March 28, 1984

CAW-84-26

Mr. S. A. Varga  
Chief Oper. Branch  
Division of Licensing  
U. S. Nuclear Regulatory Commission  
Phillips Building  
7920 Norfolk Avenue  
Bethesda, Maryland 20014

Docket 50-272,311

SUBJECT: Application For Withholding Proprietary  
Information From Public Disclosure

REF: Public Service Electric and Gas Company Letter, Liden to Varga -  
March 1984

Dear Mr. Varga:

The proprietary material for which withholding is being requested by Public Service Electric and Gas Company is of the same technical type as that proprietary material submitted by Westinghouse previously in Application for Withholding AW-77-18, and is accompanied by an affidavit signed by the owner. Further, the Application for Withholding AW-77-18 was approved by the Commission on October 28, 1977 and is equally applicable to this material.

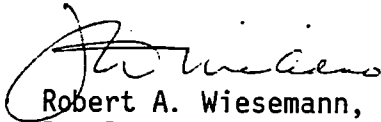
Westinghouse Electric Corporation previously transmitted similar information for utility use that was accompanied by affidavits CAW-81-43 and AW-77-18. This plant specific submittal is accompanied by CAW-84-26 and AW-77-18.

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.

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P PDR

Correspondence with respect to this application for withholding or the accompanying affidavit should reference CAW-84-26 and should be addressed to the undersigned.

Very truly yours,

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

/ee  
Attachment

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, Manager  
Licensing Programs

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

  
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.

- (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.

- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.790, it is to be received in confidence by the Commission.
- (iv) The information is not available in public sources to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is attached to Westinghouse Letter Number NS-CE-1403, Eichelinger to Stolz, dated April 6, 1977. The letter and attachment are being submitted in support of the Westinghouse emergency core cooling system evaluation model.

Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of Westinghouse, taking into account the value of the information to Westinghouse, the amount of effort and money expended by Westinghouse in developing the information, and considering the ways in which the information could be acquired or duplicated by others.

Further the deponent sayeth not.



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Westinghouse  
Electric Corporation

Water Reactor  
Divisions

Nuclear Services Integration Division

Box 2728  
Pittsburgh, Pennsylvania 15230

PSE-84-568

April 3, 1984

Mr. D. J. Jagt, Assistant General Manager  
Nuclear Engineering  
Public Service Electric & Gas Company  
P. O. Box 236  
Hancocks Bridge, NJ 08038

Dear Mr. Jagt:

PUBLIC SERVICE ELECTRIC & GAS  
Salem Station  
Affidavit Coverage

Per the request of Mr. Fitzgerald, the following data packages may be considered to be covered by the affidavit presented to you on Friday, March 30, 1984. The data packages are:

- 1) RVLIS System Manual
- 2) Sealing and Calibration Data (provided in K. Graham's trip report of 4/20/82)

Should you have further questions, please call.

Very truly yours,

*J. A. Triggiani for.*  
J. A. Triggiani, Manager  
Mid-Atlantic Area

JPT/caf

- cc: J. Driscoll
- L. K. Miller
- L. M. Fry
- H. J. Midura
- J. M. Zupko, Jr.
- J. E. Gallagher
- L. A. Reiter
- C. F. Barclay
- E. A. Watjen
- E. A. Liden
- J. E. Fitzgerald
- M. Banerjee