



**Westinghouse**

Westinghouse Electric Company LLC  
Nuclear Fuel  
5801 Bluff Road  
Hopkins, South Carolina 29061-9121  
USA

Director, Office of Nuclear Material Safety and  
Safeguards and Environmental Review  
U. S. Nuclear Regulatory Commission  
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Your ref:  
Our ref: LTR-RAC-18-39

SUBJECT: COMPLIANCE AUDIT EXAMPLE

Date June 6, 2018

Westinghouse Electric Company LLC (Westinghouse) herein provides an example of an Integrated Safety Analysis (ISA) compliance audit report to support the renewal of its SNM-1107 License Application. This report is proprietary in its entirety, and a non-proprietary version is not submitted. In conformance with the requirements of 10 CFR 2.390, as amended, of the Commission's regulations, an Application for Withholding Proprietary Information from Public Disclosure, with Proprietary Information and Copyright Notice, and an Affidavit are submitted. The Affidavit sets forth the basis on which the information identified as proprietary may be withheld from public disclosure by the Commission.

If you have any questions, please contact me at (803) 647-3338.

Nancy Blair Parr, Manager  
Licensing  
Westinghouse Columbia Fuel Fabrication Facility  
Docket 70-1151 License SNM-1107

Enclosure 1: Compliance Audit Example – 8 pages (Proprietary)

cc: w/o enclosures  
U. S. Nuclear Regulatory Commission, Region II  
245 Peachtree Center Avenue NE, Suite 1200  
Atlanta, GA 30303-1257  
Attn: Mr. Thomas Vukovinsky

U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, Maryland 20852-2738  
Attn: Ms. Marilyn Diaz, Mail Stop T-4A60

**ATTACHMENT 1**

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

**SUBJECT: WESTINGHOUSE SUBMITTAL OF NUCLEAR CRITICALITY SAFETY  
VALIDATION REPORTS (PROPRIETARY)**

Reference: Letter from Nancy Blair Parr to Director, Office of Nuclear Material Safety and Safeguards and Environmental Review, LTR-RAC-18-39, dated June 6, 2018

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 process, program and Integrated Safety Analysis 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  
CFFF Licensing  
Westinghouse Electric Company LLC

AFFIDAVIT

- (1) I am the Licensing Manager of the Columbia Fuel Fabrication Facility, 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 Columbia Fuel Fabrication Facility (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 constitute Westinghouse policy and provide 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, "Compliance Audit Example" (Proprietary), for submittal to the Commission, being transmitted by Westinghouse letter, LTR-RAC-18-39 and Application for Withholding Proprietary Information from Public Disclosure. The proprietary information as submitted by Westinghouse is that associated with its processes, programs and Integrated Safety Analysis.

Public disclosure of this proprietary process, program and Integrated Safety Analysis information is likely to cause substantial harm to the competitive position of Westinghouse, and therefore, is requested to be withheld from disclosure to protect the Westinghouse competitive position.

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



Nancy Blair Parr, Licensing Manager  
Columbia Fuel Fabrication Facility  
Westinghouse Electric Company LLC