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F. L. CLAYTON, JR.
Senior Vice President



September 12, 1980

Docket No. 50-364

Director of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Mr. A. Schwencer

Gentlemen:

JOSEPH M. FARLEY NUCLEAR PLANT - UNIT 2
ENVIRONMENTAL QUALIFICATIONS OF CLASS 1E
ELECTRICAL EQUIPMENT - NUREG 0588

In accordance with the provisions of NUREG 0588, Environmental Qualification of Class 1E Equipment, transmitted by letter from D. F. Ross dated February 21, 1980, Alabama Power Company submits the attached response for Farley Nuclear Plant Unit 2.

This submittal represents an extensive review of the environmental qualification of Class 1E electrical equipment within the high energy line break areas and the containment. The attached response compares Unit 2 electrical equipment to these guidelines and demonstrates that much of the equipment meets those guidelines; however, some equipment items have been identified for which full environmental qualification documentation is not available. These have been summarized in Section B.2 of the attached response with Alabama Power Company's corrective steps delineated.

Please note that the information concerning nuclear steam supply equipment includes data which is proprietary to Westinghouse. Also enclosed is a signed affidavit from Westinghouse requesting that this information be withheld from public disclosure. 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 10 CFR Section 2.790 of the

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Commission's regulations. Correspondence with respect to the proprietary aspects of this application for withholding or the supporting Westinghouse affidavit should reference CAW-80-31 and should be addressed to R. A. Wiesemann, Manager, Regulatory and Legislative Affairs, Westinghouse Electric Corporation, P. O. Box 355, Pittsburgh, Pennsylvania 15230.

If you have any questions, please advise.

Yours very truly,

F. L. Clayton Jr.
F. L. Clayton, Jr.

TLC:de

Attachments

cc: Mr. R. A. Thomas
Mr. G. F. Trowbridge
Office of I & E
Div. of Reactor
Operations Inspection
Washington, D. C.
Mr. W. H. Bradford

SWORN TO AND SUBSCRIBED BEFORE
ME THIS 12th DAY OF
September, 1980.

Anthony L. Russo

Notary Public

My Commission Expires:
2-15-82

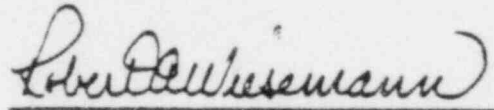
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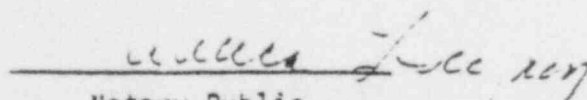
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COUNTY OF ALLEGHENY:

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
Regulatory and Legislative Affairs

Sworn to and subscribed
before me this 11 day
of June 1980.


Notary Public

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- (1) I am Manager, Regulatory and Legislative Affairs, in the Nuclear Technology 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 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 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 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 to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is appropriately marked information provided to Westinghouse utility customers in WCAP-9745 entitled "Results of Westinghouse Review of Environmental Qualification References for WRD Supplied Category II Equipment with Respect to the Staff Positions in NUREG-0588" for their use in responding to the NRC request to review their qualification programs against the standards established in NUREG-0588.

This information enables Westinghouse to:

- (a) Develop test inputs and procedures to satisfactorily verify the design of Westinghouse supplied equipment.
- (b) Assist its customers to obtain licenses.

Further, the information has substantial commercial value as follows:

- (a) Westinghouse can sell the use of this information to customers.

- (b) Westinghouse uses the information to verify the design of equipment which is sold to customers.
- (c) Westinghouse can sell testing services based upon the experience gained and the test equipment and methods developed.

Public disclosure of this information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to design, manufacture, verify, and sell electrical equipment for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others having the same or similar equipment to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

The development of the equipment described in part by the information is the result of many years of development by Westinghouse and the expenditure of a considerable sum of money.

This could only be duplicated by a competitor if he were to invest similar sums of money and provided he had the appropriate talent available and could somehow obtain the requisite experience.

Further the deponent sayeth not.