Westinghouse Electric Corporation Energy Systems

Nuclear and Advanced Technology Division

Box 355
Pittsburgh Pennsylvania 15230-0355

December 20, 1989
CAW-89-123

Dr. Thomas Murley, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

APPLICATION FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE

Subject: WCAP-12218 Supplement 1 (proprietary), "Additional Analysis in Support of the Evaluation of Thermal Stratification for the Vogtle Unit 1 Pressurizer Surge Line"

Dear Dr. Murley:

The proprietary information for which withholding is being requested in the enclosed letter by Georgia Power Company is further identified in Affidavit CAW-88-129 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 10CFR Section 2.790 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by Georgia Power Company.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-89-123, and should be addressed to the undersigned.

Very truly yours,

WESTINGHOUSE ELECTRIC CORPORATION

for Robert A. Wiesemann, Manager
Regulatory & Legislative Affairs

Enclosures

cc: E. C. Shomaker, Esq.
Office of the General Counsel, NRC

Attachment to GP-14678

Georgia Power Company
Suggested Text for Transmittal to the NRC

THE FOLLOWING PARAGRAPHS SHOULD BE INCLUDED IN YOUR LETTER TO THE NRC

In response to NRC Bulletin 88-11, analyses have been completed which determine that thermal stratification does not have a significant impact on the integrity of the pressurizer surge line at Vogtle Unit 1. This conclusion applies for the forty year design life of the unit, considering both the existing support configuration as well as the proposed future support modification to emulate the Unit 2 design. These Unit 1 analyses assume that there will be only one rigid support on the surge line after the 1990 refueling outage and that the maximum system delta-T will be 320 deg-F. Analysis of the Unit 2 pressurizer surge line configuration has previously been completed and is documented in the original issuance of WCAP-12218. In fulfillment of the Actions Requested, Section 1b of Bulletin 88-11, the following are provided:

1. (__) copies of WCAP-12218, Supplement 1 "Additional Analyses in Support of the Evaluation of Thermal Stratification for the Vogtle Unit 1 Pressurizer Surge Line", dated December 1989 (Proprietary).

2. (__) copies of WCAP-12219, Supplement 1 "Additional Analyses in Support of the Evaluation of Thermal Stratification for the Vogtle Unit 1 Pressurizer Surge Line", dated December 1989 (Non-Proprietary).

Also enclosed is a Westinghouse application for withholding letter, CAW-89-123, Proprietary Information Notice, and accompanying Affidavit.

As item 1 contains information proprietary to Westinghouse Electric Corporation, it is supported by an affidavit signed by Westinghouse, the owner 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 the Application for Withholding or the supporting Westinghouse Affidavit should reference CAW-89-123 and should be addressed to R. A. Wiesemann, Manager of Regulatory & Legislative Affairs, Westinghouse Electric Corporation, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

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 10CFR2.790 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 (g) CONTAINED WITHIN PARENTHESES LOCATED AS A SUPERSCRIPT IMMEDIATELY FOLLOWING THE BRACKETS ENCLOSING EACH ITEM OF 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)(g) OF THE AFFIDAVIT ACCOMPANYING THIS TRANSMITTAL PURSUANT TO 10CFR2.790(b)(1).

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CAH-88-129

AFFIDAVIT

STATE OF CALIFORNIA:

ss

COUNTY OF SAN FRANCISCO:

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
Regulatory and Legislative Affairs

Sworn to and subscribed
before me this 1st day
of December, 1988.

OFFICIAL SEAL
THERESE TOLIVER
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Comm. Expires Dec. 23, 1990

Therese Toliver

Notary Public

(1) I am Manager, Regulatory and Legislative Affairs, in the Nuclear and Advanced 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, Nuclear Fuel, and Power Generation Business Units.

(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, Nuclear Fuel, and Power Generation Business Units 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 compet[illegible]quire components of proprietary information, any one [illegible]t may be the key to the entire puzzle, thereby de[illegible]d 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 "South Texas Units 1 and 2, Pressurizer Surge Line and Residual Heat Removal Line Stratification", WCAP-12067, (Proprietary), for South Texas Projects Units 1 and 2, being transmitted by the Houston Lighting and Power Company (HL&P) letter and Application for Withholding Proprietary Information from Public Disclosure, M. A. McBurnett, Manager, Operations Support Licensing, HL&P, to NRC Document Control Desk, attention Dr. Thomas Murley, December, 1988. The proprietary information as submitted for use by Houston Lighting and Power Company for the South Texas Project is expected to be applicable in other licensee submittals in response to certain NRC requirements for justification of the integrity of the pressurizer surge line for its design life under thermal stratification conditions.

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

(a) Provide documentation of the analyses and methodology used in the evaluation of the thermal stratification phenomenon.

(b) Establish revised design transients for the pressurizer surge line based on plant monitoring data and Westinghouse test programs.

(c) Demonstrate the structural integrity of the pressurizer surge line for the 40 year design life, and the acceptability of leak before break and fatigue crack growth, under thermal stratification conditions.

(d) Demonstrate the low likelihood of stratification in the RHR lines, and the integrity of these lines in the event such a condition did exist.

(e) Assist the customer in obtaining 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 demonstrating adequate design life for surge lines and RHR lines.

(b) Westinghouse can sell support and defense of the technology to its customers in the licensing process.

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 analytical 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 the development, verification, and licensing of adequate methods for evaluation of this phenomenon.

Further the deponent sayeth not.