



Westinghouse  
Electric Corporation

Energy Systems

Nuclear and Advanced  
Technology Division

Box 355  
Pittsburgh, Pennsylvania 15230-0355

December 19, 1990  
CAW-90-093

Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Reference: Westinghouse Owners Group Letter No. OG-90-070, K. J. Voytell  
to R. C. Jones, dated December 19, 1990

Attention: Dr. Thomas Murley, Director

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Westinghouse Owners Group Transmittal of Topical Report  
WCAP-12762, "Secondary Side Safety Injection Function Deletion  
Modification"

Dear Dr. Murley:

The proprietary information for which withholding is being requested in the enclosed letter by Westinghouse Owners Group is further identified in Affidavit CAW-90-093 signed by the owners of the proprietary information, Westinghouse Electric Corporation. The affidavit, which accompanies this letter, set 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 the Westinghouse Owners Group.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-90-093, and should be addressed to the undersigned.

Very Truly Yours,

Ronald P. DiPiazza, Manager  
Operating Plant Licensing Support

9101030324 901219  
PDR TOPRP EMVWEST  
C PDR

Enclosures

cc: C. M. Holzle, Esq.  
Office of the General Counsel, NRC  
V. Wilson, NRR



- (1) I am Manager, Operating Plant Licensing Support, 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 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.
- (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 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 "Secondary Side Safety Injection Function Deletion Modification," WCAP-12762, (Proprietary), for Westinghouse Owner's Group being transmitted by the Westinghouse Owner's Group (W Owner's Group) letter and Application for Withholding Proprietary Information from Public Disclosure, Gerard T. Goering, December, 1990, to the Document Control Desk to the attention of Dr. Thomas Murley. The proprietary information as submitted for use by the Owner's Group is expected to be applicable in specific licensee submittals in response to certain NRC requirements for justification of eliminating the initiation of safety injection flow, emergency diesel generator start, service water pump start/system isolation and containment isolation from all current secondary side Safety Injection (SI) signals.

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

- (a) Quantify the impact of the aforementioned modifications on the applicable acceptance criteria of the affected licensing-basis safety analysis.
- (b) Translate the deletion of functions actuated on Secondary Side protection system signals to a change in plant risk.
- (c) Assist customers in implementing the aforementioned modifications.

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 justifying relaxation of associated technical specification requirements.
- (b) Westinghouse can sell support and defense of this methodology 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.

Further the deponent sayeth not.



## Copyright Notice

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.790 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted insufficient for this purpose. The NRC is not authorized to make copies for the personal use of members of the public who make use of the NRC public document rooms. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.