



Westinghouse Energy Systems
Electric Corporation

Box 355
Pittsburgh Pennsylvania 15230-0355

February 9, 1994
AW-94-581

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Attention: Dr. Thomas Murley, Director
Office of Nuclear Reactor Regulation

Reference: Letter from N. J. Liparulo to R. C. Jones, NTD-NRC-94-4057, February 9, 1994

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Transmittal of Approved Version of Topical, WCAP-10216-P-A, Revision 1A
"Relaxation of Constant Axial Offset Control - F₀ Surveillance Technical Specification,"
February 1994. [PROPRIETARY]

Dear Dr. Murley:

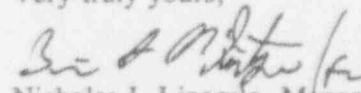
The application for withholding is submitted by Westinghouse Electric Corporation ("Westinghouse") pursuant to the provisions of paragraph (b) (1) of Section 2.790 of the Commission's regulations. It contains commercial strategic information proprietary to Westinghouse and customarily held in confidence.

The proprietary material for which withholding is being requested is identified in the proprietary version of the subject report. In conformance with 10 CFR Section 2.790, Affidavit AW-94-581 accompanies this application for withholding, 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 2.790 of the Commission's regulations.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference AW-94-581 and should be addressed to the undersigned.

Very truly yours,


Nicholas J. Liparulo, Manager
Nuclear Safety and Regulatory Activities

cc: Kevin Bohrer / NRC (12H5)

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PDR TOPRP EMVWEST
B PDR

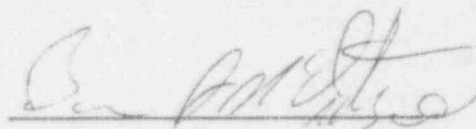
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

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COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Brian A. McIntyre, 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:



Brian A. McIntyre, Manager
Advanced Plant Safety and Licensing

Sworn to and subscribed
before me this 11th day
of February, 1994.

Notarial Seal
Denise K. Henderson, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires Oct. 28, 1996
Member, Pennsylvania Association of Notaries

Denise K. Henderson
Notary Public

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- (1) I am Manager, Advanced Plant Safety and Licensing, 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 Units.
- (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 the Westinghouse Energy Systems 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.

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.

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- (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 10 CFR 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 "Relaxation of Constant Axial Offset Control - F_Q Surveillance Technical Specification," WCAP-10216-P-A Revision 1A (Proprietary), February 1994, for submittal to the Commission, being transmitted by Westinghouse Electric Corporation (W) letter (NTD-NRC-94-4057) and Application for Withholding Proprietary Information from Public Disclosure, Nicholas J. Liparulo, W, Manager Nuclear Safety and Regulatory Activities to the attention of Dr. T. Murley, Director, Office of NRR. The proprietary information is submitted for use by Westinghouse Electric Corporation for the generic applications of the Relaxation of Constant Axial Offset Control and the F_Q Surveillance Technical Specification.

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

- (a) Provide acceptable reactor control strategies with the appropriate F_Q Surveillance Technical Specification.
- (b) Assist the customer to obtain license changes (i.e., Technical Specification changes).

Further this information has substantial commercial value as follows:

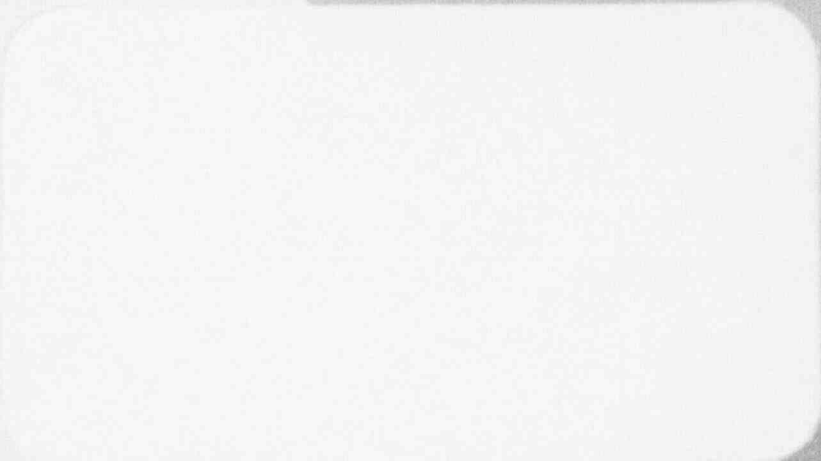
- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of meeting NRC requirements for licensing documentation.
- (b) Westinghouse can sell support and defense of Relaxed Axial Offset Control Strategy and F_Q Surveillance to its customers in the licensing process.

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 improved neutronic methodology 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 developing the enclosed Relaxed Axial Offset Control Strategy and F_Q Surveillance Technical Specification.

Further the deponent sayeth not.



Westinghouse
Commercial Nuclear Fuel Division

