



Westinghouse
Electric Corporation

Energy Systems

Box 355
Pittsburgh Pennsylvania 15230-0355

April 11, 1991
NS-NRC-91-3577

Document Control Desk
US Nuclear Regulatory Commission
Washington, DC 20555

Attention: Donnie H. Grimsley, Director
Division of Freedom of Information
and Publications Services
Office of Administration

Subject: Responses to Findings Related to Concerns Forwarded via NRC Letter
to Westinghouse (Hodges, US NRC to Johnson)

References: 1) 1/18/91 Letter to DiPiazza from Grimsley, FOIA-90-461.
2) 3/14/90 Letter to Jones from Johnson, with attached 3/14/90
Letter to Murley from Wieseemann and enclosure entitled,
"Findings related to Concerns Forwarded via NRC Letter to
Westinghouse (Hodges, US NRC to Johnson)". (114 pages)

Dear Mr. Grimsley:

In response to your request (Reference 1), attached please find both
proprietary and non-proprietary copies of material previously submitted via
Reference 2. Information considered proprietary to Westinghouse has been
enclosed by brackets. Also enclosed are a Westinghouse authorization letter,
AW-91-148, accompanying Affidavit and Proprietary Information Notice.

As the enclosure 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 10 CFR Section 2.790 of the Commission's regulations.

Our responses to the questions asked in Reference 1 are provided below:

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Question 1. Was the information transmitted to and received by the NRC in confidence? Please give details.

Response: The information was transmitted to the NRC as proprietary information and was accompanied with an appropriate request for withholding, via Reference 2.

Question 2. To the best of your knowledge, is the information currently available in public sources?

Response: To our knowledge, this information is not currently available in public sources.

Question 3. Does your company customarily treat this information, or this type of information, as confidential? Please explain why.

Response: The information we have marked proprietary deals with key assumptions or equations used in the ECCS evaluation model, or with specific results obtained from the use of such a model. We consider this information confidential for one or more of the following reasons:

- 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.

Question 4. Would public disclosure of this information be likely to cause substantial harm to the competitive position of your company? If so, how?

Response: Westinghouse considers that disclosure of proprietary information is potentially harmful for the following reasons:

- 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.

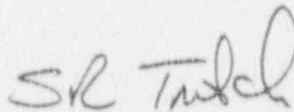
Question 5. Since this information was transmitted to the NRC, have any events altered the proprietary character of the information? If so, please explain.

Response: To our knowledge, there have been no events which have altered the proprietary nature of the information.

Please contact Mr. M.Y. Young (412-374-5081) or Mr. W.D. Tauche (412-374-5506) of my staff with any questions regarding the attached information.

Correspondence with respect to the proprietary aspects of the information or the supporting Westinghouse Affidavit should reference AW-91-148 and should be addressed to R. P. DiPiazza, Manager of Operating Plant Licensing Support, Westinghouse Electric Corporation, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,



S. R. Tritch, Manager
Nuclear Safety Department

EMB/hs
Enclosure