



Westinghouse  
Electric Corporation

Energy Systems

Nuclear and Advanced  
Technology Division

Box 355  
Pittsburgh Pennsylvania 15230-0355

Oct 21 1991

AW-91-226

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

Attention: R. C. Jones, Chief  
Reactor Systems Branch

Reference: Letter from S. R. Tritch to R. C. Jones, ET-NRC-91-3633, dated  
October 25, 1991.

Subject: Methodology Clarifications to WCAP-12909-P.

Dear Mr. Jones:

The material transmitted by the referenced letter contains information  
proprietary to the Westinghouse Electric Corporation.

Accordingly, we request that the material be treated as proprietary  
information within the provisions of 10CFR9.5(4), "Freedom of Information Act  
Regulations." If there is a need to make public disclosure of the material  
prior to a separate Westinghouse submittal for docket in accordance with the  
provisions of 10CFR2.790(a), please notify Westinghouse prior to making a  
disclosure determination.

Correspondence with respect to the proprietary aspects of this submittal  
should reference AW-91-226 and should be addressed to the undersigned.

Very truly yours,

*S. R. Tritch* for  
R.P. DiPiazza, Manager  
Nuclear Safety Licensing

cc:

M. P. Siemien, Esq.  
Office of the General Counsel, NRC

9111270176 911121  
PDR TORRP EMVWEST  
C PDR

### 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 being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily hold in confidence identified in Sections (4)(ii)(a) through (4)(ii)(g) of the affidavit accompanying this transmittal pursuant to 10CFR 2.790(b)(1).

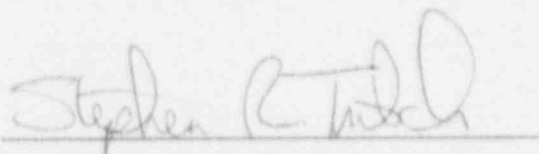
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COMMONWEALTH OF PENNSYLVANIA:

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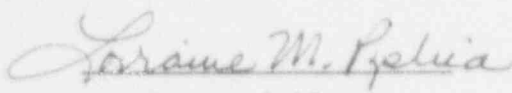
COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Stephen R. Tritch, 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:



Stephen R. Tritch, Manager  
Engineering Technology

Sworn to and subscribed  
before me this 31<sup>st</sup> day  
of October, 1991.



Notary Public

NOTARIAL SEAL  
LORRAINE M. PIPLICA, NOTARY PUBLIC  
MONROEVILLE BORO, ALLEGHENY COUNTY  
MY COMMISSION EXPIRES DEC. 14, 1991

Member, Pennsylvania Association of Notaries

- (1) I am Manager, Engineering Technology, in the Nuclear and Advanced Technology Division, of the Westinghouse Electric Corporation and as such, I am authorized to perform, on the behalf of Ronald P. DiPiazza, 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 "Typographical Corrections to Westinghouse ECCS Evaluation Model: Revised Large Break LOCA Power Distribution Methodology", WCAP-12909-P (Proprietary), September 1991, being transmitted by Westinghouse Electric Corporation (W) letter and Application for Withholding Proprietary Information from Public Disclosure, S. R. Tritch, W, to R. C. Jones, US NRC Division of Engineering and Systems Technology. The proprietary information as submitted for use by Westinghouse Electric Corporation describes a revision to the Large Break LOCA ECCS Evaluation Model analysis methodology.

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

- (a) Support licensees in meeting the requirements of 10CFR50.46 and Appendix K to 10CFR50.



- (b) Support the reloading of Westinghouse design fuel in pressurized water reactors.

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 performing reload safety evaluations.
- (b) Westinghouse can sell support and defense of ECCS analysis and core reload design methodologies.

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 ECCS 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 with a significant manpower effort, having the requisite talent and experience, would have to be expended for developing the enclosed DNBR methodology.

Further the deponent sayeth not.