



Westinghouse
Electric Corporation

Water Reactor
Divisions

Nuclear Technology Division
Box 355
Pittsburgh Pennsylvania 15230

February 27, 1985
AW-85-20

Dr. C. O. Thomas, Chief
Standardization and Special Projects Branch
Division of Licensing
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: Topical Reports WCAP-8822-P-S1 and WCAP-8860-S1, "Mass and Energy
Releases Following a Steam Line Rupture"

Ref.: Westinghouse Letter No. NS-NRC-85-3009, Rahe to Thomas, dated
February 27, 1985

Dear Dr. Thomas:

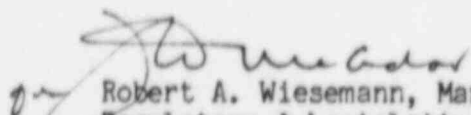
This application for withholding is submitted by Westinghouse Electric Corporation ("Westinghouse") pursuant to the provisions of paragraph (b) (1) of Section 2.790 of the Commission's regulations.

The affidavit previously provided to justify withholding the proprietary information in the subject topical report, AW-80-68, a copy of which is attached, is equally applicable to this material. The referenced affidavit was submitted by Westinghouse letter No. NS-TMA-2337, Anderson to Tedesco, dated November 7, 1980.

Accordingly, it is respectfully requested that the subject 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 this application for withholding or the accompanying affidavit should reference AW-85-20 and should be addressed to the undersigned.

Very truly yours,


Robert A. Wiesemann, Manager
Regulatory & Legislative Affairs

/pj

cc: E. C. Shomaker, Esq.
Office of the Executive Legal Director, NRC

8503040467 850227
PDR TOPRP EMVWEST
C PDR


AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

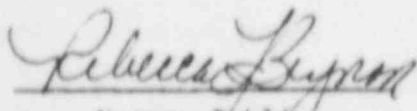
SS

COUNTY OF ALLEGHENY:

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, Manager
Regulatory and Legislative Affairs

Sworn to and subscribed
before me this 6 day
of November 1980.


Notary Public

- (1) I am Manager, Regulatory and Legislative Affairs, in the Nuclear Technology Division, of 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 or rule-making proceedings, and am authorized to apply for its withholding on behalf of the Westinghouse Water Reactor Divisions.
- (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 Westinghouse Nuclear Energy Systems 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 in 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 is not available in public sources 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 the attachment to Westinghouse letter number NS-TMA-2337, Anderson to Tedesco, dated November 7, 1980, concerning information relating to NRC review of the Westinghouse treatment of the Boron Dilution transient at Comanche Peak. The letter and attachment are being submitted in response to the NRC request at the October 15, 1980 NRC/Westinghouse Texas Utility Services Inc. meeting.

This information enables Westinghouse to:

- (a) Justify the Westinghouse design.
- (b) Assist its customers to obtain licenses.
- (c) Provide operational flexibility to customers when not at power assuring them of safe and reliable operation.

Further, the information gained from the Westinghouse treatment is of significant commercial value as follows:

- (a) Westinghouse uses the information to perform and justify analyses which are sold to customers.
- (b) Westinghouse sells analyses and the resulting electronic devices.

Public disclosure of this information concerning analysis methods and functional requirements is likely to cause substantial harm to the competitive position of Westinghouse because competitors could utilize this information to assess and justify their own designs without commensurate expense.

The parametric analyses performed and their evaluation represent a considerable amount of highly qualified development effort. This work was contingent upon a program which has been underway for the past four months. Altogether, a substantial amount of money and effort has been expended by Westinghouse which could only be duplicated by a competitor if he were to invest similar sums of money and provided he had the appropriate talent available.

Further the deponent sayeth not.