

ATTACHMENT III

October 9, 1985

CAW-85-069

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Tubesheet Region Plugging Criterion For Full Depth Hardroll
Expanded Tubes
Reference: South Carolina Electric & Gas Company Letter to NRC Dated October
1985

Dear Mr. Denton:

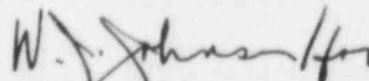
The proprietary material for which withholding is being requested in the referenced letter by South Carolina Electric & Gas Company is further identified in an affidavit signed by the owner of the proprietary information, Westinghouse Electric Corporation. The affidavit, which accompanies this letter, 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 10CFR Section 2.790 of the Commission's regulations.

The proprietary material for which withholding is being required is of the same technical type as that proprietary material previously submitted with Application for Withholding CAW-81-79.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by South Carolina Electric & Gas Company.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-85-069, and should be addressed to the undersigned.

Very truly yours,



Robert A. Wiesemann, Manager
Regulatory & Legislative Affairs

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Enclosures

cc: E. C. Shomaker, Esq.

Office of the Executive Legal Director, NRC

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

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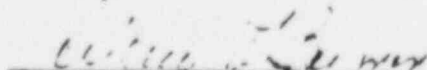
COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Robert A. Wieseemann, 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. Wieseemann, Manager
Regulatory and Legislative Affairs

Sworn to and subscribed
before me this 5 day
of March 1981.



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 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 "Steam Generator Tube Plugging Margin Analysis" for the Virgil C. Summer Nuclear Power Plant Unit No. 1, WCAP-9912, Revision 2 (Proprietary) being transmitted by South Carolina Electric and Gas Company letter Application for Withholding Proprietary Information from Public Disclosure, Nichols to Denton, November 1981. The proprietary information as submitted for South Carolina Electric and Gas Company, Virgil C. Summer Nuclear Station use is expected to be applicable in other licensee and applicant submittals in response to certain NRC requirements for justification of the steam generator tube plugging margin.

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

- (a) Provide documentation of the analyses, method and testing for determining plugging margin.

- (b) Establish the minimum wall thickness in compliance with Regulatory Guide 1.121.
- (c) Establish the stress limits versus thinning of the remaining tube wall.
- (d) Establish the maximum allowable leakage in support of the leak-before-break criteria.
- (e) Assist the customer to obtain NRC approval.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell similar information to its customers for purposes of meeting NRC requirements for licensing documentation.
- (b) Westinghouse can sell support and defense of the technology to its customers in the licensing process.

Public disclosure of this 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 for system design software development.

Further the deponent sayeth not.

ATTACHMENT IV

No Significant Hazards Determination

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No.

The supporting P* evaluation demonstrates that the presence of the tubesheet will complement tube integrity in that region by precluding tube deformation beyond its initial outside diameter. The resistance to both tube rupture and tube collapse behavior is strengthened by the presence of the tubesheet in that region. Furthermore, the existing Technical Specification leakage rate requirements remain in place in the unlikely event leakage from this region does occur.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No.

The enclosed supporting evaluation demonstrates that following the P* criteria minimizes the potential for any possible tubesheet area tube indications that may exist from creating any type of accident condition.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

No.

As demonstrated in the attached evaluation, integrity of the tube bundle under both normal and postulated accident conditions will continue to be maintained. Current Technical Specification leakage rate limitations will continue to be met; therefore, any leakages will be limited to ensure safety margins are preserved.

In addition to the above supporting conclusions, the proposed change to allow for repair of tubes according to an NRC approved sleeving method is considered to have a no significant hazards determination. The change will not involve a significant increase in the probability or consequences of a new or previously evaluated accident because only an NRC approved sleeving method will be utilized for tube repair. This approved method will allow the plant to function in a manner which is consistent with normal and any postulated accident conditions. The proposed change does not involve a significant reduction in a margin of safety because it only allows SCE&G the option of utilizing another acceptable method of tube repair. Any repair method will have to be demonstrated to the Staff to be a satisfactory alternative to tube plugging.