



Westinghouse
Electric Corporation

Energy Systems

Box 355
Pittsburgh Pennsylvania 15230-0355

AW-97-1103

April 28, 1997

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTENTION: T. R. QUAY

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: AP600 TESTING PROGRAM REPORTS (WCAP-14135,
WCAP-14138)

Dear Mr. Quay:

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 10CFR Section 2.790, Affidavit AW-97-1103 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 10CFR Section 2.790 of the Commission's regulations.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference AW-97-1103 and should be addressed to the undersigned.

Very truly yours,

Brian A. McIntyre, Manager
Advanced Plant Safety and Licensing

/jwh

cc: Kevin Bohrer NRC 12H5

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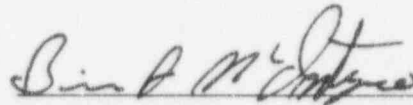
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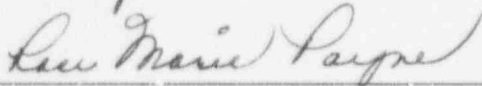
Before me, the undersigned authority, personally appeared Brian A. McIntyre, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Corporation ("Westinghouse") and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



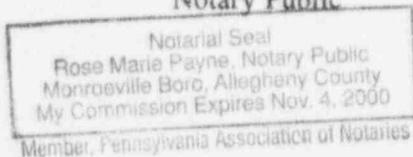
Brian A. McIntyre, Manager
Advanced Plant Safety and Licensing

Sworn to and subscribed

before me this 29 day
of April, 1997



Notary Public



- (1) I am Manager, Advanced Plant Safety And Licensing, in the Advanced Technology Business Area, 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 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.

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) Enclosed is Letter NSD-NRC-97-5088, April 28, 1997 being transmitted by Westinghouse Electric Corporation (W) letter and Application for Withholding Proprietary Information from Public Disclosure, Brian A. McIntyre (W), to Mr. T. R. Quay, Office of NRR. The proprietary information as submitted for use by Westinghouse Electric Corporation is in response to questions concerning the AP600 plant and the associated design certification application and is expected to be applicable in other licensee submittals in response to certain NRC requirements for justification of licensing advanced nuclear power plant designs.

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

- (a) Demonstrate the design and safety of the AP600 Passive Safety Systems.
- (b) Establish applicable verification testing methods.
- (c) Design Advanced Nuclear Power Plants that meet NRC requirements.
- (d) Establish technical and licensing approaches for the AP600 that will ultimately result in a certified design.

- (e) Assist customers in obtaining NRC approval for future plants.

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 advanced plant licenses.
- (b) Westinghouse can sell support and defense of the technology 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 advanced nuclear power designs 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 analytical methods and receiving NRC approval for those methods.

Further the deponent sayeth not.

Enclosure 1

PCS FDR

The following lists the changes for the PCS Final Data Report. Only change pages will be issued, and all changes are marked with a bar in the left margin. All of the changes for this report were internally driven.

1. Pages v and C-1, Appendix C title changed to "Data Handling."
2. Page 2-47, channel 217 description changed to "condensate out #2 'G.'"
3. Page 2-48, channel 239 description changed to "condensate out #1"; channel 244 description changed to "3-inch steam meter."
4. Page 3-5, sentence added: "The differential temperatures reported in the "FO" files were not corrected for the calibration offset of Table 3.3-1."
5. Page 3-20, row RC048, columns Pacer Dome-345 and Hontzsch Dome-165, "early only" deleted.
6. Page 3-21, row RC062, information added to the following columns:
 - Pacer E-90: No functional output
 - Pacer D-180: No functional output
 - Pacer Dome-345: consistent - up
 - Hontzsch A-90: consistent - down
 - Hontzsch Dome-165: No functional output
7. Page 3-23, the x-axis title was changed for Figure 3.3-1.
8. Pages 4-5, 4-6, 4-12, Figures 4.1-2, 4.1-4, and 4.2-1 replaced.
9. Page 4-20, third and fourth sentences of third paragraph revised to read: "The pacer at dome-42"-345°-1.5" provided data of a magnitude consistent with the dome Hontzsch. The remaining pacer units either failed or had velocities below the current sensor threshold."
10. Page 4-23, Figure 4.3-2 replaced and marked proprietary.
11. Page 4-24, Figure 4.3-3 should be marked proprietary.
12. Pages 4-27, units changed from PSIG to PSIA.
13. Page 4-32, fan RPM changed to 530.
14. Page 4-74, PERCENT WATER COVERAGE changed to 79%.
15. Page 4-75, column INTERNAL FLUID changed to 255.80 for D.
16. Page 4-76, PERCENT WATER COVERAGE changed to 83%.
17. Page 4-98, the data symbol at 10.6 hours was changed in Figure 4.8-2.
18. Page 4-120, HELIUM CONTENT changed to 6.24lb.
19. Pages 4-142 to 4-156, Test 220.1 reported (this was formerly a blind test).
20. Page 4-177, Figure 4.13-1 replaced.
21. Page 4-184, second STEAM FLOW (Vortex) row deleted.
22. Page 4-200, unit changed to lb/sec.
23. Pages 4-201 and 4-202, Test 222.1 changed to 222.2.
24. Page 4-232, PERCENT WATER COVERAGE changed to 86%.
25. Page 4-234, PERCENT WATER COVERAGE changed to 74%.
26. Page 4-237, MINIMUM column was widened.
27. Page 4-241, the data legend was changed in Figure 4.17-1.
28. Page 4-245, units changed from PSIG to PSIA.
29. Page 4-246, PERCENT WATER COVERAGE changed to 77%.

Editorial:

Cover, title page, AP600 cover sheet

Pages 3-2, 3-6, 3-9, 4-1, 4-12, 4-20, 4-37, 4-110, 4-157, 4-175, 4-189, 4-223, 4-257

Enclosure 3