

Domestic Members

AmerenUE
Callaway
American Electric Power Co.
D.C. Cook 1 & 2
Arizona Public Service Co.
Palo Verde 1, 2 & 3
Constellation Energy Group
Calvert Cliffs 1 & 2
Dominion Nuclear Connecticut
Millstone 2 & 3
Dominion Virginia Power
North Anna 1 & 2
Surry 1 & 2
Duke Energy
Catawba 1 & 2
McGuire 1 & 2
Entergy Nuclear Northeast
Indian Point 2 & 3
Entergy Nuclear South
ANO 2
Waterford 3
Exelon Generation Company LLC
Braidwood 1 & 2
Byron 1 & 2
FirstEnergy Nuclear Operating Co.
Beaver Valley 1 & 2
FPL Group
St. Lucie 1 & 2
Seabrook
Turkey Point 3 & 4
Nuclear Management Co.
Kewaunee
Palladas
Point Beach 1 & 2
Prairie Island
Omaha Public Power District
Fort Calhoun
Pacific Gas & Electric Co.
Diablo Canyon 1 & 2
Progress Energy
H. B. Robinson 2
Shearon Harris
PSEG - Nuclear
Salem 1 & 2
Rochester Gas & Electric Co.
R. E. Ginna
South Carolina Electric & Gas Co.
V. C. Summer
Southern California Edison
SONGS 2 & 3
STP Nuclear Operating Co.
South Texas Project 1 & 2
Southern Nuclear Operating Co.
J. M. Farley 1 & 2
A. W. Vogtle 1 & 2
Tennessee Valley Authority
Sequoyah 1 & 2
Watts Bar 1
TXU Electric
Comanche Peak 1 & 2
Wolf Creek Nuclear Operating Corp.
Wolf Creek

International Members

Electrabel
Doel 1, 2, 4
Tihange 1 & 3
Electricité de France
Kansai Electric Power Co.
Mihama 1
Takahama 1
Ohi 1 & 2
Korea Hydro & Nuclear Power Co.
Kori 1 - 4
Ulchin 3 & 4
Yonggwang 1 - 5
British Energy plc
Sizewell B
NEK
Krško
Spanish Utilities
Asco 1 & 2
Vandellos 2
Almaraz 1 & 2
Ringhals AB
Ringhals 2 - 4
Taiwan Power Co.
Maanshan 1 & 2

WOG-03-351

July 14, 2003

WCAP-15977-P, Rev. 0
WCAP-15977-NP, Rev. 0
Project Number 694

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Attention: Chief, Information Management Branch,
Division of Program Management

Subject: Westinghouse Owners Group
Transmittal of Reports: WCAP-15977-P, Rev. 0, (Proprietary) and
WCAP-15977-NP, Rev. 0, (Non-Proprietary), "Reliability
Assessment of Cutler-Hammer D26MR802A Relays Used as SSPS
Slave Relays" (PA-LSC-0033)

This letter transmits four (4) copies of WCAP-15977-P, Rev. 0, (Proprietary) and two (2) copies of WCAP-15977-NP, Rev. 0, (Non-Proprietary), entitled "Reliability Assessment of Cutler-Hammer D26MR802A Relays Used as SSPS Slave Relays," dated June 2003. The Westinghouse Owners Group is submitting WCAP-15977, Rev. 0, under the NRC licensing topical report program for review and acceptance for referencing in licensing actions. WCAP-15977, Rev. 0, provides the support for a refueling based surveillance test interval for D26MR802A relays when used as slave relays in the Solid State Protection System.

WCAP-15977-P, Rev. 0 contains information proprietary to Westinghouse Electric Company. An Application for Withholding Proprietary Information from Public Disclosure, including an affidavit, is being submitted to the NRC by Westinghouse Electric Company the owner of the information. The Application for Withholding Proprietary Information from Public Disclosure (CAW-03-1666) is enclosed with this letter.

Consistent with the Office of Nuclear Reactor Regulation, Office Instruction LIC-500, "Processing Request for Reviews of Topical Reports," the WOG requests that the NRC provide an estimate of the review hours, and target dates for any Request(s) for Additional Information and for issuance of the Safety Evaluation for WCAP-15977. The WOG requests that the NRC complete their review and issue a safety evaluation for WCAP-15977 by March 31, 2004.

D048

WOG-03-351
July 14, 2003

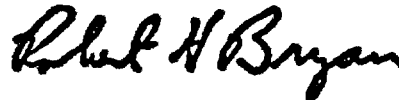
This material is for your internal use only and may be used for the purpose for which it is submitted. It should not be otherwise used, disclosed, duplicated or disseminated, in whole or in part, to any other person or organization outside the Office of Nuclear Reactor Regulation without the express written approval of Westinghouse. Correspondence with respect to the Application for Withholding Proprietary Information from Public Disclosure should reference CAW-03-xxxx, and should be addressed to H.A. Sepp, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, P. O. Box 355, Pittsburgh, PA 15230-0355.

Correspondence related to this transmittal and invoices associated with the review of WCAP-15977 should be addressed to:

Mr. Gordon Bischoff
Manager, Owners Group Program Management Office
Westinghouse Electric Company
Mail Stop ECE 5-16
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355

Please do not hesitate to contact me at 423-751-8201 or Mr. Gordon Bischoff of the Owners Group Program Management Office at 412-374-6200 if you have any questions. If you require further information, please contact Mr. Ken Vavrek in the Owners Group Program Management Office at 412-374-4302.

Sincerely,
Westinghouse Owners Group



R. H. Bryan, Chairman

Enclosures:

1. WCAP-15977-P, Rev. 0 (Proprietary)
2. WCAP-15977-NP, Rev. 0 (Non-Proprietary)
3. Westinghouse Electric Company Application for Withholding Proprietary Information from Public Disclosure and Affidavit, CAW-03-1666.

WOG-03-351

July 14, 2003

cc: WOG Steering Committee
 WOG Management Committee
 WOG Licensing Subcommittee Representatives
 WOG Cutler Hammer D26 Relay Test Interval Extension Program Members
 WOG Project Management Office
 D. G. Holland, USNRC (1L, 1E, 3-P, 1-NP) (via Federal Express)
 S. Dembek, USNRC
 H.A. Sepp, Westinghouse
 C. B. Brinkman, Westinghouse
 J. D. Andrachek, Westinghouse
 C. E. Morgan, Westinghouse
 R. M. Span, Westinghouse



Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Direct tel: (412) 374-5282
Direct fax: (412) 374-4011
e-mail: Sepp1ha@westinghouse.com

Our ref: CAW-03-1666

July 14, 2003

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

Reference: Letter R. Bryan to NRC Document Control Desk, WOG-03-351 dated July 14, 2003

Subject: WCAP-15977-P, "Reliability Assessment of Cutler-Hammer D26MR802A Relays Used as SSPS Slave Relays," June 2003 (Proprietary)

The subject report transmitted by the reference letter contains information proprietary to the Westinghouse Electric Company.

The material will not be employed as a part of a license application or other action identified in 10 CFR 2.790(a) at this time. It will be separately submitted with an Application for Withholding accompanied by an affidavit meeting the requirements of 10 CFR 2.790(b) prior to such use.

Accordingly, we request that the material be treated as proprietary information within the provisions of 10 CFR 9.17a(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 10 CFR 2.790(a), please notify Westinghouse prior to making a disclosure determination.

Correspondence with respect to the proprietary aspects of this submittal should reference AW-03-1666 and should be addressed to the undersigned.

Very truly yours,

A handwritten signature in dark ink, appearing to read "H. A. Sepp".

H. A. Sepp, Manager
Regulatory Compliance and Plant Licensing

Enclosures

cc: D. Holland
B. Benney

bcc: H. A. Sepp (ECE 4-7A) 1L
R. Bastien, 1L, 1A (Nivelles, Belgium)
C. Brinkman, 1L, 1A (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)
RCPL Administrative Aide (ECE 4-7A) 1L, 1A (letter and affidavit only)

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

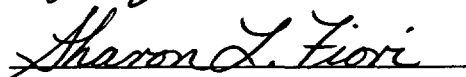
Before me, the undersigned authority, personally appeared H. A. Sepp, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC ("Westinghouse"), and that the averments of fact set forth in this Affidavit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



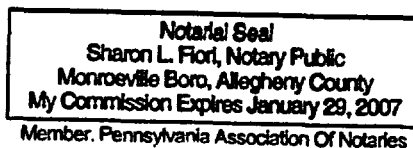
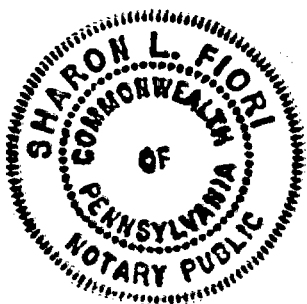
H. A. Sepp, Manager

Regulatory Compliance and Plant Licensing

Sworn to and subscribed,
before me this 14th day
of July, 2003



Notary Public



- (1) I am Manager, Regulatory Compliance and Plant Licensing, in Nuclear Services, Westinghouse Electric Company LLC ("Westinghouse"), 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 rule making proceedings, and am authorized to apply for its withholding on behalf of the Westinghouse Electric Company LLC.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR 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 Electric Company LLC 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 that 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 10 CFR 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 WCAP-15977-P, "Reliability Assessment of Cutler-Hammer D26MR802A Relays Used as SSPS Slave Relays, WOG Program PA-LSC-0033" (Proprietary), dated June 2003, for extension of slave relay surveillance testing, being transmitted by Westinghouse Electric Company LLC (WOG-03-351) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse Electric Company LLC for the Cutler-Hammer D26MR802A relay is expected to be applicable in other licensee submittals in response to certain NRC requirements for justification of extension of slave relay surveillance testing.

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

- (a) use the information as a competitive advantage over its competitors by providing customer support in extending the test interval frequencies of the slave relays while maintaining the qualification of the Westinghouse provided Solid State Protection System. It is therefore withheld from disclosure to protect the Westinghouse competitive position.
- (b) market this information in many ways. To the extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving reducing the risk of trips at power and minimizing equipment degradation.
- (c) maintain a competitive advantage. Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources for slave relay evaluations at Westinghouse expense.

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 licensing documentation.
- (b) Westinghouse can sell support and defense of the technology to its customers in the licensing process.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

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 reliability assessments 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.

Further the deponent sayeth not.

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 10 CFR 2.790 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 (f) 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 holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.790(b)(1).

COPYRIGHT NOTICE

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.790 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.