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 AUTH. NAME: AUTHOR AFFILIATION
 HUNTER, R.S. Indiana & Michigan Electric Co.
 RECIP. NAME: RECIPIENT AFFILIATION
 DENTON, H.R. Office of Nuclear Reactor Regulation, Director

SUBJECT: Forwards info in response to NUREG-0737, Item II, F.2 re
 reactor vessel level instrumentation sys. Util 801223.
 proprietary rept applies to facilities. Application for
 withholding proprietary info & affidavit encl.

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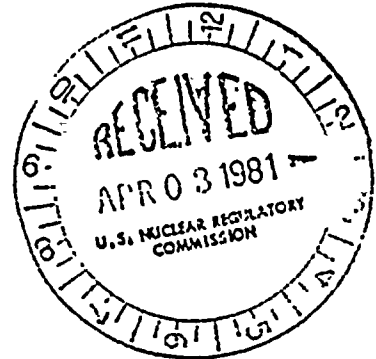
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INDIANA & MICHIGAN ELECTRIC COMPANY

P. O. BOX 18
BOWLING GREEN STATION
NEW YORK, N. Y. 10004

March 31, 1981
AEP:NRC:0398D

Donald C. Cook Nuclear Plant Unit Nos. 1 & 2
Docket Nos. 50-315 and 50-316
License Nos. DPR-58 and DPR-74
NUREG-0737, ITEM II F.2
REACTOR VESSEL LEVEL INSTRUMENTATION SYSTEM



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

Dear Mr. Denton:

The enclosed information is being submitted to you in response to Item II F.2 of NUREG-0737 (Instrumentation for Inadequate Core Cooling) and in accordance with the commitments made in our letters of January 8, 1981 (AEP:NRC:0398) and March 6, 1981 (AEP:NRC:0398E).

Westinghouse has submitted to the NRC via letter No. NS-TMA-2357 dated December 23, 1980 proprietary and non-proprietary copies of a report entitled, "Summary Report, Westinghouse Reactor Vessel Level Instrumentation System for Monitoring Inadequate Core Cooling (7300 System), December, 1980." Except for the few differences discussed in Attachment 1 to this letter, the subject report can be considered as applicable to the Donald C. Cook Nuclear Plant.

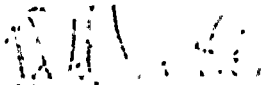
As this report contains information proprietary to Westinghouse Electric Corporation, Attachment 2 to this letter contains an application for withholding proprietary information from public disclosure and an affidavit signed by Westinghouse. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b) (4) of Section 2.790 of the Commission's regulations.

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Accordingly, it is respectfully requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.790 of the Commission's regulations. Correspondence with respect to the proprietary aspects of this application for withholding or the supporting Westinghouse affidavit should reference CAW-80-75 and should be addressed to R. A. Wiesemann, Manager, Regulatory and Legislative Affairs, Westinghouse Electric Corporation, P. O. Box 355, Pittsburgh, Pennsylvania 15230.

Very truly yours,


R. S. Hunter
Vice President

cc: John E. Dolan (w/o attachment)
R. C. Callen (w/o attachment)
G. Charnoff (w/o attachment)
R. W. Jurgensen (w/o attachment)
D. V. Shaller - Bridgman
NRC Resident Inspector at Cook Plant - Bridgman

ATTACHMENT 1
TO
AEP:NRC:0398D

The following lists our exceptions to the Westinghouse report entitled, "Summary Report, Westinghouse Reactor Vessel Level Instrumentation System for Monitoring Inadequate Core Cooling (7300 System), December, 1980 (Proprietary)" in order that it be applicable to the Donald C. Cook Nuclear Plant:

1. The last sentence of Item f on pages 3-2 under Section 3.0 entitled "ICC Instrumentation Identification" should be deleted.
2. Table 3.1 entitled "Information Required On The Core Subcooling Monitor" on pages 3-3 and 3-4 should be deleted.

Relevant information pertaining to these two deletions is contained in our letters identified as AEP:NRC:00253B dated December 19, 1979, AEP:NRC:00346 dated January 30, 1980, and AEP:NRC:00334B dated March 10, 1980.

3. The paragraphs entitled "Vessel Liquid Density Calculation", "Vessel Vapor Phase Density Calculation", "Vessel Level Calculation and Pump Flow d/p Calculation" on pages 4-7 and 4-8 are currently being revised by Westinghouse with respect to RCS hot leg RTD temperature inputs. Westinghouse will address this information directly to the NRC.

ATTACHMENT 2
TO
AEP:NRC:0398D

APPLICATION AND AFFIDAVIT FOR WITHHOLDING
OF PROPRIETARY INFORMATION

Westinghouse
Electric Corporation

Water Reactor
Divisions

Nuclear Technology Division

Box 355
Pittsburgh Pennsylvania 15230

December 23, 1980
CAW-80-75

Mr. Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Phillips Building
7920 Norfolk Avenue
Bethesda, Maryland 20014

ATTN: Lawrence E. Phillips
Core Performance Branch, DSI

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: Summary Report, Westinghouse Reactor Vessel Level Instrumentation
System for Monitoring Inadequate Core Cooling (7300 System),
December 1980

REF: NUREG-0737 Part II.F.2, Instrumentation for Inadequate Core Cooling

Dear Mr. Eisenhut:

The proprietary material transmitted by the referenced letter supplements the proprietary material previously submitted concerning the Westinghouse development of ECCS models. Further, the affidavit submitted to justify the material previously submitted, AW-77-18, was approved by the Commission on October 28, 1977, and is equally applicable to this material.

Accordingly, withholding the subject information from public disclosure is requested in accordance with the previously submitted affidavit and application for withholding, AW-77-18, dated April 6, 1977, a copy of which is attached.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference CAW-80-75, and should be addressed to the undersigned.

Very truly yours,

/bek
Attachment

W.M. Jauch
for Robert A. Wieseemann, Manager
Regulatory & Legislative Affairs

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

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

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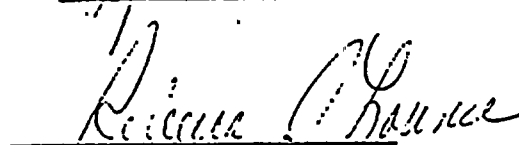
COUNTY OF ALLEGHENY:

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
Licensing Programs

Sworn to and subscribed
before me this 20 day
of April 1977.


(Notary Public)

- (1) I am Manager, Licensing Programs, in the Pressurized Water Reactor Systems 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 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 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 10 CFR 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 attached to Westinghouse Letter Number NS-CE-1403, Eicheldinger to Stolz, dated April 6, 1977. The letter and attachment are being submitted in support of the Westinghouse emergency core cooling system evaluation model.

Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of Westinghouse, taking into account the value of the information to Westinghouse, the amount of effort and money expended by Westinghouse in developing the information, and considering the ways in which the information could be acquired or duplicated by others.

Further the deponent sayeth not.

