



Westinghouse
Electric Corporation

Energy Systems

Box 355
Pittsburgh Pennsylvania 15230-0355

April 2, 1991
CAW-90-103

Document Control Desk
US Nuclear Regulatory Commission
Washington, DC 20555

Attention: Dr. Thomas Murley, Director

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

Subject: WCAP-10271-P-A, Supplement 2, Revision 1 "Evaluation of Surveillance Frequencies and Out of Service Times For The Engineered Safety Features Actuation System"

Dear Dr. Murley:

The proprietary information for which withholding is being requested in the enclosed letter by Florida Power and Light Company is further identified in Affidavit CAW-90-103 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 10 CFR Section 2.790 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying Affidavit by Florida Power and Light Company.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-90-103, and should be addressed to the undersigned.

Very truly yours,

R. P. DiPiazza, Manager
Operating Plant Licensing Support

Enclosures

cc: M. P. Siemien, Esq.
Office of the General Counsel, NRC

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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 (g) contained within parentheses 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)(g) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.790(b)(1).

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend of increasing activity over time.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results of the study have significant implications for the field of research and may lead to further developments in the future.

5. The fifth part of the document concludes the study and provides a summary of the key findings. It also includes a list of references to the literature cited throughout the document.

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. The NRC is not authorized to make copies for the personal use of members of the public who make use of the NRC public document rooms. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.



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AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

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COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared
Ronald P. DiPiazza, 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:

SR Todd for

Ronald P. DiPiazza, Manager
Operating Plant Licensing Support

Sworn to and subscribed
before me this 2ND day
of April, 1991.

Lorraine M. Piplica
Notary Public

NOTARIAL SEAL
LORRAINE M. PIPLICA, NOTARY PUBLIC
MONROEVILLE BORO, ALLEGHENY COUNTY
MY COMMISSION EXPIRES DEC. 14, 1991

Member, Pennsylvania Association of Notaries

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(1) I am Manager, Operating Plant Licensing Support, in the Nuclear and Advanced Technology Division, 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.

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A black and white photograph of a large, multi-story building with a complex facade, featuring many windows and architectural details. The building appears to be a government or institutional structure. The photo is taken from a low angle, looking up at the building.

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- (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.

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(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.

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- (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.

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- (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 "Evaluation of Surveillance Frequencies and Out of Service Times For The Engineered Safety Features Actuation System", WCAP-10271-P-A, Supplement 2, Revision 1 (Proprietary), for Turkey Point Units 3 and 4, being transmitted by the Florida Power and Light Company (FPL) letter and Application for Withholding Proprietary Information from Public Disclosure, J. Goldberg, FPL, to Document Control Desk, to the Attention of Dr. Thomas Murley, Director, Office of NRC. The proprietary information as submitted for use by Florida Power and Light Company for the Turkey Point Units 3 and 4 is expected to be applicable in other licensee submittals in response to certain NRC requirements for justification of relaxed surveillance testing and allowed out of service times for the ESFAS system.~~

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1. The first part of the report is a general introduction to the project. It describes the objectives of the study and the methods used to collect and analyze the data. The introduction also provides a brief overview of the results of the study.

2. The second part of the report is a detailed description of the data collection process. It includes information about the sample size, the data sources, and the methods used to collect the data.

3. The third part of the report is a detailed description of the data analysis process. It includes information about the statistical methods used to analyze the data and the results of the analysis.

4. The fourth part of the report is a discussion of the results of the study. It includes a summary of the findings and a discussion of the implications of the results for future research.

5. The fifth part of the report is a conclusion. It summarizes the main findings of the study and provides a final statement about the results.

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

(a) Quantify the ESFAS system unavailability change due to the surveillance frequency and allowed outage time changes in ESFAS system technical specifications.

(b) Translate ESFAS system unavailability changes to change in plant risk.

(c) Assist customers in implementing the surveillance internal relaxations.

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 justifying relaxation of similar technical specification surveillance requirements.

(b) Westinghouse can sell support and defense of this methodology to its customers in the licensing process.

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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 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 developing testing and analytical methods and performing tests.

Further the deponent sayeth not.

