

# NORTHEAST UTILITIES



THE CONNECTICUT LIGHT AND POWER COMPANY  
THE HARTFORD ELECTRIC LIGHT COMPANY  
WESTERN MASSACHUSETTS ELECTRIC COMPANY  
THE FORT WALTER POWER COMPANY  
SOUTHEAST CONNECTICUT SERVICE COMPANY  
NORTH BRITAIN ELECTRIC COMPANY

P.O. BOX 270  
HARTFORD, CONNECTICUT 06101  
(203) 666-6911

March 6, 1981

Docket No. 50-336  
A01155



Director of Nuclear Reactor Regulation  
Attn: Mr. Robert A. Clark, Chief  
Operating Reactors Branch #3  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

- References: (1) W. G. Council letter to R. Reid, dated March 6, 1980.  
(2) T. M. Novak letter to W. G. Council, dated August 6, 1980.  
(3) W. G. Council letter to R. A. Clark, dated January 16, 1981.

Gentlemen:

Millstone Nuclear Power Station, Unit No. 2  
Hydraulic Flow Test of the Model C  
Prototype Fuel Assembly

By Reference (1), Northeast Nuclear Energy Company (NNECO) docketed the Basic Safety Report (BSR) in support of Cycle 4 operation of Millstone Unit No. 2.

In Reference (2), the NRC Staff requested that NNECO provide information in support of the Reference (1) discussions of the Fuel Assembly Test System (FATS) and the hydraulic compatibility testing which was performed for the Model C fuel assembly.

Accordingly, NNECO hereby provides the non-proprietary and proprietary versions of the test report, "Hydraulic Flow Test of the Model C Prototype Fuel Assembly," as attachments 2 and 3 respectively.

Due to the proprietary nature of portions of the material contained in Attachment 3, NNECO respectfully requests that it be withheld from public disclosure in accordance with the provisions of 10CFR2.790 and that this material be safeguarded. The reasons for the classification of this material as proprietary are delineated in the Application for Withholding Proprietary Information and the accompanying affidavit included as Attachment 1.

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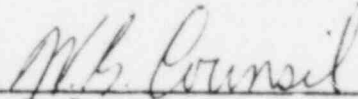
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With the docketing of this material, NNECO has responded to each of the Staff's questions identified to date in the review of the BSR. As noted in Reference (3), it is our intent to conduct future reloads of Millstone Unit No. 2 under the provisions of 10CFR50.59. The BSR is a necessary and integral document for successfully implementing these plans.

We trust you find the attached information satisfactory and remain available to respond to any questions which you may identify during the review of Reference (1).

Very truly yours,

NORTHEAST NUCLEAR ENERGY COMPANY

A handwritten signature in cursive script, appearing to read "W. G. Council", is written over a horizontal line.

W. G. Council  
Senior Vice President

Docket No. 50-336

Attachment 1

Millstone Nuclear Power Station, Unit No. 2

Application for Withholding Proprietary  
Information from Public Disclosure

March, 1981



Westinghouse  
Electric Corporation

Water Reactor  
Divisions

Nuclear Technology Division  
Box 355  
Pittsburgh Pennsylvania 15230

January 27, 1981  
CAW-81-7

Director of Nuclear Reactor Regulation  
Operating Reactors Branch #3  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

ATTN: Mr. Robert A. Clark, Chief

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: WCAP-9551 (Proprietary) and WCAP-9833 (Non-Proprietary),  
"Hydraulic Flow Test of the Model C Prototype Fuel Assembly"

- REF: (1) R. A. Wiesemann letter to R. Reid dated March 21, 1979  
(2) T. M. Novak letter to W. G. Council dated August 6, 1980  
(3) Northeast Utilities letter W. G. Council to R. A. Clark,  
February 1981

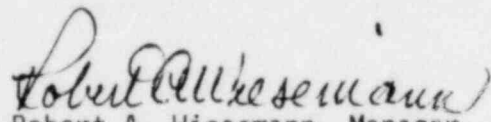
Dear Mr. Clark:

The proprietary material for which withholding is being requested by Northeast Nuclear Energy Company (NNECO) is of the same technical type as that previously submitted in Reference 1. Further, the affidavit submitted to justify the material previously submitted, CAW-79-10, is equally applicable to this material. The subject material is being submitted in response to a request for additional information transmitted via Reference 2.

Accordingly, withholding the subject information from public disclosure is requested in accordance with the previously submitted affidavit and application for withholding, CAW-79-10, dated March 21, 1979, a copy of which is attached.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference CAW-81-7 and should be addressed to the undersigned.

Very truly yours,

  
Robert A. Wiesemann, Manager  
Regulatory & Legislative Affairs

/bek  
Enclosure

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

Westinghouse Electric Corporation

Power Systems

PWT Systems Division

Box 355  
Pittsburgh Pennsylvania 15230

March 21, 1979  
CAW-79-10

Director of Nuclear Reactor Regulation  
Attn: Mr. R. Reid, Chief  
Operating Reactors Branch #4  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

APPLICATION FOR WITHHOLDING PROPRIETARY

INFORMATION FROM PUBLIC DISCLOSURE

SUBJECT: Millstone Nuclear Power Station, Unit No. 2 (Docket Number  
50-336) Information Presented at the January 26, 1979 Meeting  
with the NRC

REF: Northeast Nuclear Energy Company Letter from W. G. Council  
to R. Reid dated March 21, 1979

Gentlemen:

This application for withholding is submitted by Westinghouse Electric Corporation pursuant to the provisions of paragraph (b)(1) of 10CFR Section 2.790 of the Commission's regulations.

The accompanying affidavit identifies the information sought to be withheld from public disclosure, 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.

The undersigned has reviewed the information sought to be withheld and is authorized to apply for its withholding on behalf of Westinghouse, WRD, notification of which was sent to the Secretary of the Commission on April 19, 1976.

It is requested, therefore, that the Westinghouse proprietary information being transmitted by the Northeast Nuclear Energy Company letter referenced above be withheld from public disclosure in accordance with the provisions of 10CFR Section 2.790 of the Commission's regulations.

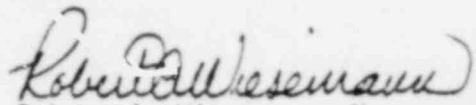
Mr. R. Reid

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March 21, 1979  
CAW-79-10

Correspondence with respect to the proprietary aspects of this application for withholding or the accompanying affidavit should reference CAW-79-10 and should be addressed to the undersigned.

Very truly yours,



Robert A. Wiesemann, Manager  
Regulatory & Legislative Affairs

/bek  
Attachment

cc: J. A. Cooke, Esq.  
Office of the Executive Legal Director

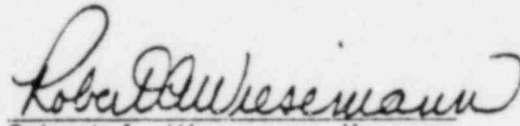
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

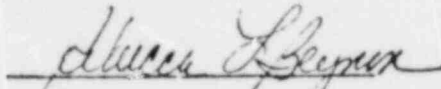
ss

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 & Legislative Affairs

Sworn to and subscribed  
before me this 16 day  
of March 1979.

  
Notary Public

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- (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.



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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.

In determining whether information in a document or report is proprietary, the following criteria and standards are utilized in Westinghouse. Information is proprietary if any one of the following are met:

- (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 of 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.
- (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 is not available in public sources to the best of our knowledge and belief.

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- (v) The proprietary information sought to be withheld in this submittal are the transparencies utilized by Westinghouse in its presentation to the NRC at the January 26, 1979 meeting concerning review of the Millstone 2 reload safety evaluation. This information includes photographs of test hardware, physical dimensions of fuel assemblies, hydraulic test results and hydraulic calculations. The letter and transparencies are being submitted in response to the request of the Commission at the January 26, 1979 meeting.

Public disclosure of this information is likely to cause substantial harm to the competitive position of Westinghouse as it would reveal the details of the test setup, the hydraulic test results, hydraulic calculations, and the conclusions of the Westinghouse fuel development program for Millstone 2 and similar plants, which is recognized by the Staff to be of competitive value and because of the large amount of effort and money expended by Westinghouse in carrying out this development program.

Information regarding its development programs is valuable to Westinghouse because:

- (a) Information resulting from its development programs 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.

This information enables Westinghouse to:

- (a) Justify the design basis for the fuel
- (b) Assist its customers to obtain licenses
- (c) Meet warranties

Further, this information has substantial commercial value as follows:

- (a) Westinghouse sells the use of the information to its customers for purposes of meeting NRC requirements for licensing documentation.

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- (b) Westinghouse uses the information to perform and justify analyses which are sold to customers.
- (c) Westinghouse uses the information to sell nuclear fuel and related services to its customers.

Public disclosure of this information is likely to cause substantial harm to the competitive position of Westinghouse in selling nuclear fuel and related services.

Competitors could obtain the equivalent information, with difficulty, by investing similar sums of money and provided they had the appropriate resources available and the requisite experience.

Further the deponent sayeth not.