

August 22, 2001

Mr. Henry A. Sepp  
Manager of Regulatory and Licensing Engineering  
Westinghouse Electric Company, LLC  
P.O. Box 355  
Pittsburgh, Pennsylvania 15230-0355

Mr. Jerald S. Holm  
Manager, Product Licensing  
Framatome ANP  
2101 Horn Rapids Road  
Richland, Washington 99352

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 -  
IMPLEMENTATION OF ZIRLO™ CLADDING AND BORON COATING IN TXU  
ELECTRIC'S LOSS OF COOLANT ACCIDENT ANALYSIS METHODOLOGY  
(TAC NOS. MB2450 AND MB2451)

Dear Messrs. Sepp and Holm:

By letter dated July 18, 2001, TXU Electric (TXU) submitted a proprietary topical report, ERX-2001-004-P, "Implementation of ZIRLO™ Cladding and Boron Coating in TXU's Loss of Coolant Accident Analysis Methodologies," June 2001, and ERX-2001-004-NP, a non-proprietary version of the preceding report, same subject. This proprietary version contains information proprietary to Framatome ANP Richland, Inc. (formerly Siemens Power Corporation) indicated by curly brackets "{ }", and information proprietary to Westinghouse Electric Corporation indicated by square brackets "[ ]". In their letter, TXU requested that ERX-2001-004-P be withheld from public disclosure pursuant to 10 CFR 2.790. Also enclosed with the July 18, 2001, letter were (1) Westinghouse Electric Company LLC (Westinghouse) letter CAW-01-1463, Revision 1, "Application for Withholding Proprietary Information from Public Disclosure," dated June 19, 2001, with an affidavit executed by John S. Galembush, and (2) Framatome ANP (FRA-ANP) affidavit, dated June 13, 2001, executed by Jerald S. Holm. The nonproprietary version, ERX-2001-004-NP, was provided for placement in the NRC's public document room and has been added to the Agency Wide Document Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

The Westinghouse affidavit stated that the submitted information, should be considered exempt from mandatory public disclosure for the following reasons:

- (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.

The FRA-ANP affidavit stated that the submitted information, should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The information reveals details of FRA-ANP's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for FRA-ANP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FRA-ANP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by FRA-ANP, would be helpful to competitors to FRA-ANP, and would likely cause substantial harm to the competitive position of FRA-ANP.

We have reviewed your applications and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,  
*/RA/*

David H. Jaffe, Senior Project Manager, Section 1  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: See next page

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

*/RA/*

David H. Jaffe, Senior Project Manager, Section 1  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: See next page

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Comanche Peak Steam Electric Station

cc:

Senior Resident Inspector  
U.S. Nuclear Regulatory Commission  
P. O. Box 2159  
Glen Rose, TX 76403-2159

Regional Administrator, Region IV  
U.S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011

Mr. Roger D. Walker  
Regulatory Affairs Manager  
TXU Electric  
P. O. Box 1002  
Glen Rose, TX 76043

George L. Edgar, Esq.  
Morgan, Lewis & Bockius  
1800 M Street, N.W.  
Washington, DC 20036-5869

Honorable Dale McPherson  
County Judge  
P. O. Box 851  
Glen Rose, TX 76043

Office of the Governor  
ATTN: John Howard, Director  
Environmental and Natural  
Resources Policy  
P. O. Box 12428  
Austin, TX 78711

Arthur C. Tate, Director  
Division of Compliance & Inspection  
Bureau of Radiation Control  
Texas Department of Health  
1100 West 49th Street  
Austin, TX 78756-3189

Jim Calloway  
Public Utility Commission of Texas  
Electric Industry Analysis  
P. O. Box 13326  
Austin, TX 78711-3326

Mr. C. Lance Terry  
Senior Vice President  
& Principal Nuclear Officer  
TXU Electric  
ATTN: Regulatory Affairs Department  
P. O. Box 1002  
Glen Rose, TX 76043