

September 20, 2001

Mr. Philip W. Richardson, Manager
Windsor Nuclear Licensing
Westinghouse Electric Company
P.O. Box 500
2000 Day Hill Road
Windsor, CT 06095-0500

SUBJECT: REQUESTS FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE CE NUCLEAR POWER LLC

Dear Mr. Richardson:

By your application and affidavit dated January 22, 2001, you submitted CENPD-404-P, Rev. 0, "Implementation of ZIRLO™ Cladding Material in CE Nuclear Power Fuel Assembly Designs," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was submitted on February 9, 2001, and has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

- a. A similar product is manufactured and sold by major competitors of CENP.
- b. Development of this information by CENP required thousands of man-hours and hundreds of thousands of dollars of effort. A competitor would have to undergo similar expense in generating equivalent information.
- c. The information consists of implementation plans for the use of ZIRLO™ fuel cladding, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to design their product to better compete with CENP, take marketing or other actions to improve their product's position or impair the position of CENP's product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.
- d. In pricing CENP's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of CENP's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

- e. Use of the information by competitors in the international marketplace would increase their ability to market a competing product, reducing the costs associated with their technology development.

By letter and affidavit dated May 3, 2001, you submitted Enclosure 1-P, LD-2001-0028, "Ft. Calhoun Nuclear Power Plant Fuel Rod Fretting History and Root Cause," in response to an NRC request for information during the February 8, 2001, meeting and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A non-proprietary version has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

Please note that CENP is now owned by Westinghouse Electric Company (WEC).

- a. A similar product is manufactured and sold by major pressurized water reactor competitors of WEC.
- b. Development of this information by WEC required hundreds of thousands of dollars and thousands of man-hours of effort. A competitor would have to undergo similar expense in generating equivalent information.
- c. In order to acquire such information, a competitor would also require considerable time and inconvenience to develop WEC fuel design details and inspection results regarding fuel fretting performance.
- d. The information consists of WEC fuel design details and inspection results regarding fuel fretting performance, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
- e. In pricing WEC's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
- f. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licensees.

By letter and affidavit dated August 10, 2001, you submitted Enclosure 1-P, LD-2001-0045, Rev. 0, "Responses to Requests for Additional Information on Topical Report CENPD-404-P, Rev. 0," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

- a. A similar product is manufactured and sold by major pressurized water reactor competitors of WEC.
- b. Development of this information by WEC required tens of thousands of dollars and hundreds of man-hours of effort. A competitor would have to undergo similar expense in generating equivalent information.
- c. In order to acquire such information, a competitor would also require considerable time and inconvenience to develop data and models to support the implementation of ZIRLO™ cladding including material properties, data correlations, and material behavior.
- d. The information consists of ZIRLO™ cladding data including material properties, data correlations, and material behavior, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
- e. In pricing WEC's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
- f. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licensees.

By letter and affidavit dated August 10, 2001, you submitted Enclosure 1-P, LD-2001-0046, Rev. 0, "Ductility of ZIRLO™ and Zircaloy-4 After High Temperature Oxidation in Steam," and requested that it be withheld from public disclosure. A nonproprietary version has been placed

in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

- a. A similar product is manufactured and sold by major pressurized water reactor competitors of WEC.
- b. Development of this information by WEC required hundreds of thousands of dollars and thousands of man-hours of effort. A competitor would have to undergo similar expense in generating equivalent information.
- c. In order to acquire such information, a competitor would also require considerable time and inconvenience to design and conduct tests and collect and reduce data concerning the ductility of ZIRLO™ and Zircaloy cladding following high temperature steam oxidation.
- d. The information consists of data concerning the ductility of ZIRLO™ and Zircaloy cladding following high temperature steam oxidation, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
- e. In pricing WEC's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
- f. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licensees.

By letter LTR-NRC-01-32 dated August 27, 2001, you submitted revised pages to CENPD-404-P, Rev. 0, "Implementation of ZIRLO™ Cladding Material in CE Nuclear Power Fuel Assembly Designs," and a page revision to Enclosure 1-P, LD-2001-0028, "Ft. Calhoun Nuclear Power Plant Fuel Rod Fretting History and Root Cause." The revised pages removed the proprietary designation from some of the information contained on the pages. However, the pages still contain other proprietary information that was submitted previously in accordance with the requirements of 10 CFR 2.790. The reasons for this information being classified as

proprietary remain the same as those delineated in the original affidavit. A nonproprietary version of the affected pages has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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 documents entitled (1) "Implementation of ZIRLO™ Cladding Material in CE Nuclear Power Fuel Assembly Designs," CENPD-404-P, Rev. 0, as revised by letter LTR-NRC-01-32 dated August 27, 2001, (2) Enclosure 1-P, LD-2001-0028, "Ft. Calhoun Nuclear Power Plant Fuel Rod Fretting History and Root Cause," as revised by letter LTR-NRC-01-32 dated August 27, 2001, (3) Enclosure 1-P, LD-2001-0045, Rev. 0, "Responses to Requests for Additional Information on Topical Report CENPD-404-P," and (4) Enclosure 1-P, LD-2001-0046, Rev. 0, "Ductility of ZIRLO™ and Zircaloy-4 After High Temperature Oxidation in Steam," 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.

If you have any questions regarding this matter, I may be reached at 301-415-1424.

Sincerely,

/RA/

Jack Cushing, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 692

cc: See next page

proprietary remain the same as those delineated in the original affidavit. A nonproprietary version of the affected pages has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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 documents entitled (1) "Implementation of ZIRLO™ Cladding Material in CE Nuclear Power Fuel Assembly Designs," CENPD-404-P, Rev. 0, as revised by letter LTR-NRC-01-32 dated August 27, 2001, (2) Enclosure 1-P, LD-2001-0028, "Ft. Calhoun Nuclear Power Plant Fuel Rod Fretting History and Root Cause," as revised by letter LTR-NRC-01-32 dated August 27, 2001, (3) Enclosure 1-P, LD-2001-0045, Rev. 0, "Responses to Requests for Additional Information on Topical Report CENPD-404-P," and (4) Enclosure 1-P, LD-2001-0046, Rev. 0, "Ductility of ZIRLO™ and Zircaloy-4 After High Temperature Oxidation in Steam," 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.

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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.

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Jack Cushing, Project Manager, Section 2
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Project No. 692

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