

January 16, 2002

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

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

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2 - ZIRLO™
CLADDING AND BORON COATING MODELS FOR TXU ELECTRIC'S
LOSS-OF-COOLANT ACCIDENT ANALYSIS METHODOLOGIES
(TAC NOS. MB3101 AND MB3102)

Dear Messrs. Sepp and Holm:

By application dated October 8, 2001, TXU Generation Company LP (formerly TXU Electric, TXU) submitted a proprietary topical report, ERX-2001-005-P, "ZIRLO™ Cladding and Boron Coating Models for TXU Electric's Loss of Coolant Accident Analysis Methodologies," October 2001, and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.790 (10 CFR 2.790). TXU also enclosed with their October 8, 2001, application: (1) Westinghouse Electric Company LLC (Westinghouse) letter CAW-01-1484, "Application for Withholding Proprietary Information from Public Disclosure," dated September 26, 2001, and affidavit executed by Henry A. Sepp, requesting that Westinghouse proprietary information contained within ERX-2001-005-P be withheld from public disclosure pursuant to 10 CFR 2.790, and (2) an affidavit executed by Jerald S. Holm, representing Framatome ANP (FRA-ANP), (formerly Siemens Power Corporation) dated October 2, 2001, requesting that FRA-ANP proprietary information contained within ERX-2001-005-P be withheld from public disclosure pursuant to 10 CFR 2.790. The proprietary version of TXU's ERX-2001-005-P contains information proprietary to FRA-ANP indicated by curly brackets "{ }", and information proprietary to Westinghouse indicated by square brackets "[]". A nonproprietary version of TXU's ERX-2001-005-NP, and a supplement dated December 18, 2001, were provided for placement in the U. S. Nuclear Regulatory Commission's (NRC's) Public Document Room and have been added to the Agency Wide Documents Access and Management System's Publicly Available Records System Library.

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.

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.

We have reviewed the application and the provided 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:

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