

Mark B. Bezilla
Site Vice President724-682-5234
Fax: 724-643-8069August 19, 2002
L-02-088U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555-0001**Subject: Beaver Valley Power Station, Unit No. 1 and No. 2**
BV-1 Docket No. 50-334, License No. DPR-66
BV-2 Docket No. 50-412, License No. NPF-73
Supplemental Information in Support of License Amendment
Requests 300 (Unit 1) and 172 (Unit 2)

This letter transmits two (2) CDs containing the MAAP5 information requested by the NRC during a telecon held on July 10, 2002. This information is provided to support NRC review of License Amendment Requests 300 (Beaver Valley Power Station Unit 1) and 172 (Beaver Valley Power Station Unit 2), Atmospheric Containment Conversion, and WCAP-15844, "Topical Report on the MAAP5 PWR Large Dry Containment Model," Revision 0, Westinghouse Proprietary Class 2, March 2002. Enclosed are:

1. One CD of Proprietary data, "Beaver Valley Power Station Units 1 and 2 Atmospheric Containment Conversion Project," Proprietary Disk with MAAP5 Parameter files, Input files and Include files.
2. One CD of Non-Proprietary data, "Beaver Valley Power Station Units 1 and 2 Atmospheric Containment Conversion Project," Non-Proprietary Disk with Limiting Mass and Energy Releases for Large LOCA and MSLB.

Also enclosed are a Westinghouse authorization letter, CAW-02-1545, accompanying affidavit, Proprietary Information Notice, and Copyright Notice.

As Item 1 contains information proprietary to Westinghouse Electric Company, it is supported by an affidavit signed by Westinghouse, the owner of the information. The affidavit 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.

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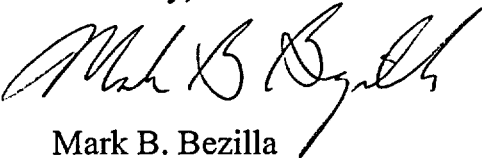
Accordingly, it is respectfully requested that the information, which is proprietary to Westinghouse, be withheld from public disclosure in accordance with 10 CFR Section 2.790 of the Commission's regulations.

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse Affidavit should reference CAW-02-1545 and should be addressed to H. A. Sepp, Manager of Regulatory and Licensing Engineering, Westinghouse Electric Company, P. O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

There are no regulatory commitments contained in this submittal. If there are any questions concerning this matter, please contact Mr. Larry R. Freeland, Manager, Regulatory Affairs/Corrective Action at 724-682-5284.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 19, 2002.

Sincerely,



Mark B. Bezilla

Enclosures:

1. CD of Proprietary data, "Beaver Valley Power Station Units 1 and 2 Atmospheric Containment Conversion Project," Proprietary Disk with MAAP5 Parameter files, Input files and Include files.
2. CD of Non-Proprietary data, "Beaver Valley Power Station Units 1 and 2 Atmospheric Containment Conversion Project," Non-Proprietary Disk with Limiting Mass and Energy Releases for Large LOCA and MSLB.
3. Westinghouse authorization letter, CAW-02-1545.
4. Accompanying affidavit.
5. Proprietary Information Notice.
6. Copyright Notice.

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- c: Mr. D. S. Collins, NRR Project Manager
- Mr. D. M. Kern, NRC Sr. Resident Inspector (w/o enclosures)
- Mr. H. J. Miller, NRC Region I Administrator (w/o enclosures)
- Mr. D. A. Allard, Director BRP/DEP (w/o enclosures)
- Mr. L. E. Ryan (BRP/DEP) (w/o enclosures)



Westinghouse Electric Company
Nuclear Services
P.O. Box 355
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Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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Direct fax: (412) 374-4011
e-mail: Sepp1ha@westinghouse.com

Attention: Mr. Samuel J. Collins

Our ref: CAW-02-1545

August 8, 2002

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: "MAAP5 Parameter and Data Files for Beaver Valley Units 1 and 2" (Proprietary)

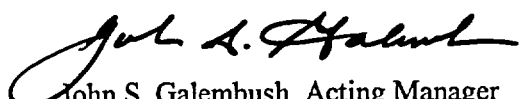
Dear Mr. Collins.

The proprietary information for which withholding is being requested in the above-referenced data is further identified in Affidavit CAW-02-1545 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. 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 FirstEnergy Nuclear Operating Company.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-02-1545 and should be addressed to the undersigned.

Very truly yours,


John S. Galembush, Acting Manager
Regulatory and Licensing Engineering

Enclosures

Cc: G. Shukla/NRR

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared J. S. Galembush, 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 Company LLC ("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:



John S. Galembush

John S. Galembush, Acting Manager
Regulatory and Licensing Engineering

Sworn to and subscribed
before me this 8th day
of August, 2002

Margaret L. Gonano
Notary Public

Notarial Seal
Margaret L. Gonano, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires Jan. 3, 2006

Member, Pennsylvania Association Of Notaries

- (1) I am currently the Acting Manager, Regulatory and Licensing Engineering, in Nuclear Services, Westinghouse Electric Company LLC ("Westinghouse"), 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 rule making proceedings, and am authorized to apply for its withholding on behalf of the Westinghouse Electric Company LLC.
- (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 Electric Company LLC 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.
 - (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.
- (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.

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.
- (b) It is information that 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.
- (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 brackets, "MAAP5 Parameter and Data Files for Beaver Valley Units 1 and 2" (Proprietary), dated March 2002, for Westinghouse, being transmitted by the FirstEnergy Nuclear Operating Company (FENOC) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk, Attention Mr. Samuel J. Collins. The proprietary information as submitted for use by Westinghouse Electric Company LLC for Beaver Valley Power Station Units 1 and 2 is expected to be applicable for other licensee submittals in response to certain NRC requirements for justification of Atmospheric Containment Conversion.

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

- (a) Maintain our competitive advantage in the area of containment modeling.

- (b) The use of the MAAP5 code for generalized containment nodalization.
- (c) Assist the customer to obtain NRC approval.

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 Containment Modeling with MAAP5 methodology and meeting NRC requirements for licensing documentation.
- (b) Westinghouse can sell support and defense of MAAP5 computer code for generalized containment modeling.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

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 licensing 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.

Further the deponent sayeth not.

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 (f) 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)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.790(b)(1).

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. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.