



Westinghouse Electric Company
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USA

6 December, 2002
LTR-NRC-02-63

Project No. 700

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2738

**SUBJECT: DRAFT MEETING PRESENTATION MATERIAL FOR IMPLEMENTATION OF ZrB₂ IFBA IN
CE FUEL DESIGNS**
[Enclosure 1-P Contains Westinghouse Proprietary Class 2 Material]

By this letter, Westinghouse Electric Company LLC (Westinghouse) is providing draft presentation material regarding implementation of ZrB₂ burnable absorber in CE fuel designs. This information is for Nuclear Regulatory Commission (NRC) use in support of a proprietary determination for a meeting tentatively scheduled for Wednesday, December 18, 2002. Westinghouse will provide the final version of the presentation material (including both proprietary and non-proprietary versions) at the time of the meeting.

Westinghouse has determined that the information contained in Enclosure 1-P is proprietary in nature. Consequently, it is requested that this information be withheld from public disclosure in accordance with the provisions of 10 CFR 2.790 and that copies of this information be appropriately safeguarded. The reasons for the classification of this information as proprietary are delineated in the affidavit provided in Enclosure 2.

If you have any questions regarding this matter, please do not hesitate to call me or Chuck Molnar of Westinghouse's Licensing staff at (860) 731-6286.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Rowland', written over a horizontal line.

for

Donald M. Rowland
Manager, Fuel Licensing & Special Projects
Westinghouse Electric Co. LLC

Enclosure(s): As stated

xc: R. Caruso (NRC, w/enclosures)
G. S. Shukla (NRC, w/enclosures)

#D054

WESTINGHOUSE ELECTRIC COMPANY LLC

PROPRIETARY AFFIDAVIT

FOR

**DRAFT MEETING PRESENTATION MATERIAL
FOR IMPLEMENTATION OF ZRB₂ IFBA IN CE**

Proprietary Affidavit

I, Norton L. Shapiro, depose and say that I am the Consulting Engineer, CE Engineering Technology, of Westinghouse Electric Company LLC (WEC), duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and described below.

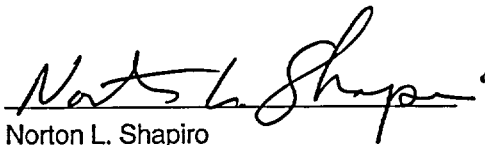
I am submitting this affidavit in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations for withholding this information. I have personal knowledge of the criteria and procedures utilized by WEC in designating information as a trade secret, privileged, or as confidential commercial or financial information.

The information for which proprietary treatment is sought, and which documents have been appropriately designated as proprietary, is contained in the following:

Enclosure 1-P to LTR-NRC-02-00, "Draft Meeting Presentation Material for Implementation of ZrB₂ IFBA in CE Fuel Designs", December, 2002

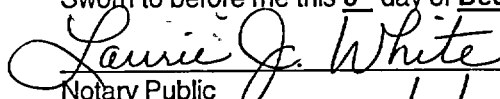
Pursuant to the provisions of Section 2.790(b)(4) of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information included in the documents listed above should be withheld from public disclosure.

- i. The information sought to be withheld from public disclosure is owned and has been held in confidence by WEC. It consists of information concerning implementation of ZrB₂ burnable absorber in CE fuel designs and the safety analysis methodologies for the evaluation of such fuel design.
- ii. The information consists of test data or other similar data for the design, development and implementation of ZrB₂ burnable absorber in CE fuel designs and the safety analysis methodologies for the evaluation of such fuel design, the application of which results in substantial competitive advantage to WEC.
- iii. The information is of a type customarily held in confidence by WEC and not customarily disclosed to the public.
- iv. The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence by the Commission.
- v. The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements that provide for maintenance of the information in confidence.
- vi. Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC because:
 - a. A similar product is manufactured and sold by major competitors of WEC.
 - b. WEC invested substantial funds and engineering resources in the development of this information. A competitor would have to undergo similar expense in generating equivalent information.
 - c. The information consists of implementation of ZrB₂ burnable absorber in CE fuel designs and the safety analysis methodologies for the evaluation of such fuel design, 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 WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.
 - d. 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.
 - 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.



Norton L. Shapiro
Consulting Engineer, CE Engineering Technology
Westinghouse Electric Company LLC

Sworn to before me this 6th day of December, 2002



Notary Public
My commission expires: 8/31/2004

Westinghouse Electric Company LLC

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