

NRC-03-004

10 CFR 50.90

January 13, 2003

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

Ladies/Gentlemen:

Docket 50-305
Operating License DPR-43
Kewaunee Nuclear Power Plant
License Amendment Request 193, Measurement Uncertainty Recapture Power Uprate for Kewaunee Nuclear Power Plant

References:

- 1) Letter NRC-02-024 from Mark E. Warner to Document Control Desk, "Revision to the Design Basis Radiological Analysis Accident Source Term," dated March 19, 2002 (TAC No. MB4596).
- 2) Letter NRC-02-064 from Mark E. Warner to Document Control Desk, "License Amendment Request 185 To The Kewaunee Nuclear Power Plant Technical Specifications, 'Core Operating Limits Report Implementation,'" dated July 26, 2002 (TAC No. MB5717).
- 3) Letter NRC-02-067 from Mark E. Warner to Document Control Desk, "License Amendment Request 187 to the Kewaunee Nuclear Power Plant Technical Specifications Changes for Use of Westinghouse VANTAGE+ Fuel," dated July 26, 2002 (TAC No. MB5718).
- 4) Letter K-02-070 from NRC to Mark Warner, "Kewaunee Nuclear Plant – Review of Submittals Supporting Future Measurement Uncertainty Recapture Power Uprate (TAC Nos. MB4596, MB5717, and MB5718)," dated August 16, 2002.
- 5) Letter K-02-073 from NRC to NMC, LLC, "Meeting Summary of August 8, 2002 Between the NRC Staff and the Nuclear Management Company, LLC Concerning Upcoming Power Uprate and Associated Submittals for the Kewaunee Nuclear Power Plant," dated August 20, 2002.

AP01

In accordance with the requirements of 10 CFR 50.90, Nuclear Management Company, LLC (NMC) requests an amendment to the operating license and the plant Technical Specifications (TS) for Kewaunee Nuclear Power Plant (KNPP). The proposed amendment would increase the licensed reactor core power level. The requested increase in licensed rated power (RP) is the result of a measurement uncertainty recapture (MUR) power uprate. The information provided in support of this request is based on Nuclear Regulatory Commission (NRC) Regulatory Issue Summary (RIS) 2002-03, "Guidance on the Content of Measurement Uncertainty Recapture Power Uprate Applications," and information requested during a meeting between the NRC and NMC staff (reference 5).

The proposed change would increase the licensed rated power level by 1.4 percent from 1650 megawatts thermal (MWt) to 1673 MWt. The NMC's request is based on reduced uncertainty in the reactor thermal output (RTO) measurement achieved by installation of a Combustion Engineering Nuclear Power LLC (CENP) Crossflow ultrasonic flow measurement system (Crossflow system). The reduced power measurement uncertainty allows for a power uprate that is equivalent to the Title 10 Code of Federal Regulations (CFR) 50, Appendix K criteria of two percent minus the calculated Crossflow-based power measurement uncertainty of 0.6 percent. CENP topical report CENPD-397-P-A documents the theory, design, and operating features of the Crossflow system and its ability to achieve increased accuracy in main feedwater flow measurement. The NRC approved CENPD-397-P-A for referencing in power uprate license applications in a safety evaluation dated March 20, 2000.

It is important to note that this MUR power uprate license amendment request (LAR) relies in part upon NRC approval of three previous submittals by the KNPP. These submittals include:

- 1) the alternate source term (AST) methodology for design basis radiological analysis accident source term (reference 1),
- 2) the Core Operating Limits Report (COLR) (reference 2), and
- 3) the fuel transition (reference 3)

This LAR assumes a COLR is in place and the fuel transition has been approved. Therefore, the mark up and clean copy TS assume the COLR and fuel transition changes have been approved. This LAR relies upon radiological accident analyses described in the AST submittal and accident analyses described in the fuel transition LAR. Therefore, the starting point of this amendment is the assumption that all three items have been approved and are implemented. Based on this statement, NMC hereby proposes only those license and TS changes that are required for the increase in power level.

This amendment request is supported by several enclosed attachments. The following table summarizes each attachment:

Attachment	Content Description
1	A description and assessment of the MUR power uprate including: description, background, proposed license and TS changes, technical assessment, a no significant hazards consideration and environmental considerations.
2	Summary of the MUR power uprate evaluation following guidance provided in Regulatory Issue Summary 2002-03.
3	System and Component Evaluations to support attachment 2.
4	Proprietary Component Evaluations for Steam Generators and Pressurizer in support of attachment 2.
5	Non-Proprietary Component Evaluations for Steam Generators and Pressurizer in support of attachment 2. This attachment contains the non-proprietary version of attachment 4.
6	Westinghouse authorization letter, CAW-02-1593, an accompanying affidavit, proprietary information notice, and copyright notice for attachment 4.
7	WCAP-15591, "Westinghouse Revised Thermal Design Procedure Instrument Uncertainty Methodology - Kewaunee Nuclear Plant (Power Uprate to 1757 MWt-NSSS Power with Feedwater Venturis, or 1780 MWt-NSSS Power with Ultrasonic Flow Measurements, and 54F Replacement Steam Generators)," Revision 1, December 2002, Proprietary. This report contains the calculated power measurement uncertainty using both the feedwater venturis and the Crossflow system.
8	WCAP-15592, "Westinghouse Revised Thermal Design Procedure Instrument Uncertainty Methodology - Kewaunee Nuclear Plant (Power Uprate to 1757 MWt-NSSS Power with Feedwater Venturis, or 1780 MWt-NSSS Power with Ultrasonic Flow Measurements, and 54F Replacement Steam Generators)," Revision 1, December 2002, Non-Proprietary. This report contains the non-proprietary version of attachment 7.
9	Westinghouse authorization letter, CAW-02-1592, an accompanying affidavit, proprietary information notice, and copyright notice for attachment 7.
10	Facility Operating License, TS, and TS bases pages marked up to show the proposed changes.
11	Revised (clean) Facility Operating License, TS, and TS bases pages.
12	List of regulatory commitments associated with this proposed amendment.

As attachments 4 and 7 contain information proprietary to Westinghouse Electric Company, they are supported by affidavits (attachments 6 and 9) signed by Westinghouse, the owner of the information. The affidavits set forth the basis on which the information may be withheld from public disclosure by the Commission and address, with specificity, the considerations listed in paragraph (b) (4) of 10 CFR 2.790 of the Commission's regulations. Accordingly, it is respectfully requested that the information, which is proprietary to Westinghouse, be withheld from public disclosure in accordance with 10 CFR 2.790. Correspondence with respect to the copyright or proprietary aspects of the items listed above or supporting the Westinghouse Affidavits, should reference the appropriate authorization letter and be addressed to H. A. Sepp, Manager of Regulatory and Licensing Engineering, Westinghouse Electric Company, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

NMC requests approval of this proposed amendment by May 9, 2003. Upon NRC approval of this proposed change, NMC requests that the amendment be made effective on the date of issuance, but allow an implementation period of 120 days to provide sufficient time for associated administrative activities. This would allow implementation of the uprate for KNPP in May 2003. The approval date was selected based on the unit refueling outage, scheduled to end in April 2003. An early May approval would allow the uprate to be implemented shortly after the unit start up. This date allows KNPP to take advantage of the economic benefits of the uprate as soon as possible. It should be noted that the plant does not require this amendment to allow continued safe, full power operation.

The NMC has determined that the information for the proposed amendment does not involve a significant hazards consideration, authorize a significant change in the types or total amounts of effluent release, or result in any significant increase in individual or cumulative occupational radiation exposure. Therefore, the proposed amendment meets the categorical exclusion requirements of 10 CFR 51.22(c)(9) and an environmental impact appraisal need not be prepared.

In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the designated Wisconsin Official.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on January 13, 2003.



Thomas Coutu
Site Vice President

- Attachments:
1. Description of Change, Safety Evaluation, Significant Hazards Determination, and Statement of Environmental Considerations
 2. Summary of Measurement Uncertainty Recapture Power Uprate Evaluation Following the Guidance Provided in NRC Regulatory Issue Summary (RIS) 2002-003
 3. System and Component Evaluations in Support of Attachment 2
 4. Component Evaluations for Steam Generators and Pressurizer (Proprietary)
 5. Component Evaluations for Steam Generators and Pressurizer (Non-Proprietary)
 6. Westinghouse Authorization Letter, CAW-02-1593, an Accompanying Affidavit, Proprietary Information Notice, and Copyright Notice for Attachment 4
 7. WCAP-15591, "Westinghouse Revised Thermal Design Procedure Instrument Uncertainty Methodology - Kewaunee Nuclear Plant (Power Uprate to 1757 MWt-NSSS Power with Feedwater Venturis, or 1780 MWt-NSSS Power with Ultrasonic Flow Measurements, and 54F Replacement Steam Generators)," Revision 1, December 2002, Proprietary
 8. WCAP-15592, "Westinghouse Revised Thermal Design Procedure Instrument Uncertainty Methodology - Kewaunee Nuclear Plant (Power Uprate to 1757 MWt-NSSS Power with Feedwater Venturis, or 1780 MWt-NSSS Power with Ultrasonic Flow Measurements, and 54F Replacement Steam Generators)," Revision 1, December 2002, Non-Proprietary
 9. Westinghouse Authorization Letter, CAW-02-1592, an Accompanying Affidavit, Proprietary Information Notice, and Copyright Notice for Attachment 7
 10. Strike-Out Pages for License, Technical Specifications, and Bases
 11. Revised Pages for License, Technical Specifications, and Bases
 12. List of Regulatory Commitments

cc: US NRC, Region III

cc without attachments 4 and 7:
US NRC Senior Resident Inspector
Electric Division, PSCW

ATTACHMENT 6

Letter from Thomas Coutu (NMC)

To

Document Control Desk (NRC)

Dated

January 13, 2003

License Amendment Request 193

Westinghouse Authorization Letter, CAW-02-1593, an Accompanying Affidavit, Proprietary Information Notice, and Copyright Notice for Attachment 4



Westinghouse Electric Company
Nuclear Services
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Pittsburgh, Pennsylvania 15230-0355
USA

U.S Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Direct tel (412) 374-5282
Direct fax. (412) 374-4011
e-mail: Sepp1ha@westinghouse.com

Our ref CAW-02-1593

December 16, 2002

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject Kewaunee Power Uprate Engineering Report Sections 5.7 and 5.8 (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-02-1593 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 Nuclear Management Company (NMC).

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-02-1593 and should be addressed to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. A. Sepp".

H. A. Sepp, Manager
Regulatory and Licensing Engineering

Enclosures

cc S. J. Collins
G. Shukla/NRR

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF ALLEGHENY

Before me, the undersigned authority, personally appeared H A. Sepp, 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



A handwritten signature in cursive script, appearing to read "H A Sepp", written over a horizontal line.

H A Sepp, Manager
Regulatory and Licensing Engineering

Sworn to and subscribed
before me this 14th day
of December, 2002

A handwritten signature in cursive script, appearing to read "Margaret L. Gonano", written over a horizontal line.

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 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 Kewaunee Power Uprate Engineering Report Section 5.7 and 5.8 (proprietary) being transmitted by the Nuclear Management Company letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse Electric Company LLC for Kewaunee Nuclear Power Plant is expected to be applicable for other licensee submittals in response to certain NRC requirements for justification of power uprating.

This information is part of that which will enable Westinghouse to

- (a) Provide information in support of power uprate licensing submittals.
- (b) Provide plant specific calculations
- (c) Provide licensing documentation support for customer submittals.

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 meeting NRC requirements for licensing documentation associated with power uprate licensing submittals.
- (b) Westinghouse can sell support and defense of the technology to its customers in the licensing process

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 calculations, evaluations, analysis, 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) 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)(i)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.790(b)(1).

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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.

ATTACHMENT 9

Letter from Thomas Coutu (NMC)

To

Document Control Desk (NRC)

Dated

January 13, 2003

License Amendment Request 193

Westinghouse Authorization Letter, CAW-02-1592, an Accompanying Affidavit, Proprietary Information Notice, and Copyright Notice for Attachment 7



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Our ref: CAW-02-1592

December 16, 2002

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject WCAP-15591-P, Rev. 1, "Westinghouse Revised Thermal Design Procedure Instrument Uncertainty Methodology – Kewaunee Nuclear Plant (Power Uprate to 1757 MWt-NSSS Power with Feedwater Venturis, or 1780 MWt-NSSS Power with Ultrasonic Flow Measurements, and 54F Replacement Steam Generators)" (Proprietary)

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Accordingly, this letter authorizes the utilization of the accompanying affidavit by Nuclear Management Company (NMC)

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-02-1592 and should be addressed to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "H A Sepp".

H A Sepp, Manager
Regulatory and Licensing Engineering

Enclosures

cc S J. Collins
G. Shukla/NRR

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared H A Sepp, 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



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H A. Sepp, Manager
Regulatory and Licensing Engineering

Sworn to and subscribed
before me this 16th day
of December, 2002

A handwritten signature in cursive script, appearing to read "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 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.
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- (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.
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 - (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

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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
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- (f) It contains patentable ideas, for which patent protection may be desirable.

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- (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 WCAP-15591, Rev. 1 (Proprietary) "Westinghouse Revised Thermal Design Procedure Instrument Uncertainty Methodology – Kewaunee Nuclear Plant (Power Uprate to 1757 MWt-NSSS Power with Feedwater Venturis, or 1780 MWt-NSSS Power with Ultrasonic Flow Measurements, and 54F Replacement Steam Generators)," dated December, 2002 for Kewaunee Nuclear Power Plant, being transmitted by the Nuclear Management Company letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse Electric Company LLC for Kewaunee Nuclear Power Plant is expected to be applicable for other licensee submittals in response to certain NRC requirements for power uprating applications

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

- (a) Provide documentation of the analysis, methods, used for determining technical specification setpoints, utilizing the instrumentation uncertainties.
- (b) Calculate the instrumentation uncertainties for the Technical Specification setpoints
- (c) Establish systematic and random uncertainties in providing Technical Specification setpoints.
- (d) Provide the methods in determining the instrumentation uncertainties
- (e) 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 meeting NRC requirements for licensing documentation
- (b) Westinghouse can sell support and defense of the technology to its customers in the licensing process
- (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 calculations, evaluations 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.

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Further the deponent sayeth not

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