



# Progress Energy

MAR 26 2004

SERIAL: BSEP 04-0037

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

SUBJECT: Brunswick Steam Electric Plant, Unit No. 1  
Docket No. 50-325/License No. DPR-71  
Unit 1 Cycle 15 Core Operating Limits Report, Supplemental Reload  
Licensing Report, and Loss-of-Coolant Accident Analysis Report

Ladies and Gentlemen:

Carolina Power & Light Company, now doing business as Progress Energy Carolinas, Inc. (PEC), herein submits the latest revision of the Core Operating Limits Report, Supplemental Reload Licensing Report, and Loss-of-Coolant Accident Analysis Report for the Brunswick Steam Electric Plant (BSEP), Unit No. 1.

Technical Specification 5.6.5.d requires that the Core Operating Limits Report be provided to the NRC, upon issuance, for each reload cycle. Enclosure 1 provides a copy of Brunswick Unit 1, Cycle 15 Core Operating Limits Report, dated March 2004.

A copy of 0000-0016-6502-SRLR, Revision 0, Supplemental Reload Licensing Report for Brunswick Steam Electric Plant Unit 1 Reload 14 Cycle 15, dated February 2004, is provided in Enclosure 2. A copy of NEDC-31624P, Supplement 1, Revision 8, Loss-of-Coolant Accident Analysis Report for Brunswick Steam Electric Plant Unit 1 Reload 14 Cycle 15, dated February 2004, is provided in Enclosure 3.

Enclosure 3 contains information that Global Nuclear Fuel - Americas, LLC (GNF-A) considers to be proprietary as defined by 10 CFR 2.390. GNF-A, as the owner of the proprietary information, has executed the affidavit provided in Enclosure 4, which identifies that the enclosed proprietary information has been handled and classified as proprietary, is customarily held in confidence, and has been withheld from public disclosure. GNF-A requests that the enclosed proprietary information be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17.

APO1

There are no new regulatory commitments contained in this letter. Please refer any questions regarding this submittal to Mr. Leonard R. Beller, Supervisor - Licensing/Regulatory Programs, at (910) 457-2073.

Sincerely,

A handwritten signature in black ink, appearing to read "E. T. O'Neil". The signature is stylized with a large initial "E" and a cursive "T" and "O'Neil".

Edward T. O'Neil  
Manager - Support Services  
Brunswick Steam Electric Plant

WRM/wrm

Enclosures:

1. Brunswick Unit 1, Cycle 15 Core Operating Limits Report, March 2004
2. 0000-0016-6502-SRLR, Revision 0, "Supplemental Reload Licensing Report for Brunswick Steam Electric Plant Unit 1 Reload 14 Cycle 15, February 2004
3. NEDC-31624P, Supplement 1, Revision 8, Loss-of-Coolant Accident Analysis Report for Brunswick Steam Electric Plant Unit 1 Reload 14 Cycle 15, February 2004
4. Global Nuclear Fuels Affidavit Regarding Withholding From Public Disclosure

Document Control Desk  
BSEP 04-0037 / Page 3

cc (with Enclosures 1, 2, 3, and 4):

U. S. Nuclear Regulatory Commission, Region II  
ATTN: Mr. Luis A. Reyes, Regional Administrator  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW, Suite 23T85  
Atlanta, GA 30303-8931

U. S. Nuclear Regulatory Commission  
ATTN: Mr. Eugene M. DiPaolo, NRC Senior Resident Inspector  
8470 River Road  
Southport, NC 28461-8869

U. S. Nuclear Regulatory Commission **(Electronic Copy Only)**  
ATTN: Ms. Brenda L. Mozafari (Mail Stop OWFN 8G9)  
11555 Rockville Pike  
Rockville, MD 20852-2738

cc (with Enclosures 1, 2, and 4 only):

Ms. Jo A. Sanford  
Chair - North Carolina Utilities Commission  
P.O. Box 29510  
Raleigh, NC 27626-0510

BSEP 04-0037  
Enclosure 1

Brunswick Unit 1, Cycle 15  
Core Operating Limits Report, March 2004

**BSEP 04-0037**  
**Enclosure 4**

**Global Nuclear Fuels Affidavit Regarding Withholding From Public Disclosure**

**Affidavit**

**I, Jens G. M. Andersen, state as follows:**

- (1) I am Fellow and project manager, TRACG Development, Global Nuclear Fuel – Americas, L.L.C. (“GNF-A”) and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in the attachment, “NEDC-31624P, Supplement 1, Revision 8, Loss-of-Coolant Accident Analysis Report for Brunswick Steam Electric Plant Unit 1 Reload 14 Cycle 15” dated February 2004. GNF proprietary information is indicated by enclosing it in double brackets. In each case, the superscript notation <sup>(3)</sup> refers to Paragraph (3) of this affidavit, which provides the basis for the proprietary determination.
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GNF-A relies upon the exemption from disclosure set forth in the Freedom of Information Act (“FOIA”), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4) and 2.390(a)(4) for “trade secrets and commercial or financial information obtained from a person and privileged or confidential” (Exemption 4). The material for which exemption from disclosure is here sought is all “confidential commercial information,” and some portions also qualify under the narrower definition of “trade secret,” within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of proprietary information are:
  - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A’s competitors without license from GNF-A constitutes a competitive economic advantage over other companies;
  - b. Information which, if used 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 of a similar product;
  - c. Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of GNF-A, its customers, or its suppliers;
  - d. Information which reveals aspects of past, present, or future GNF-A customer–funded development plans and programs, of potential commercial value to GNF-A;
  - e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

## Affidavit

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b., above.

- (5) To address the 10 CFR 2.390 (b) (4), the information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GNF-A, and is in fact so held. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in (6) and (7) following. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GNF-A, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or subject to the terms under which it was licensed to GNF-A. Access to such documents within GNF-A is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his delegate), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GNF-A are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information identified in paragraph (2) is classified as proprietary because it contains details of GNF-A's fuel design and licensing methodology.  

The development of the methods used in these analyses, along with the testing, development and approval of the supporting methodology was achieved at a significant cost, on the order of several million dollars, to GNF-A or its licensor.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GNF-A's competitive position and foreclose or reduce the availability of profit-making opportunities. The fuel design and licensing methodology is part of GNF-A's comprehensive BWR safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

The research, development, engineering, analytical, and NRC review costs comprise a substantial investment of time and money by GNF-A or its licensor.

Affidavit

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

GNF-A's competitive advantage will be lost if its competitors are able to use the results of the GNF-A experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to GNF-A would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GNF-A of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed at Wilmington, North Carolina, this 11th day of March, 2004.

Jens G M Andersen

Jens G. M. Andersen

Global Nuclear Fuel – Americas, LLC