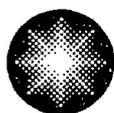


Joseph A. Widay
Plant Manager

1503 Lake Road
Ontario, New York 14519-9364
585.771.3000



Constellation Energy

R.E. Ginna Nuclear Power Plant, LLC

September 30, 2004

Mr. Robert L. Clark
Office of Nuclear Regulatory Regulation
U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555-0001

Subject: Fracture Mechanics Analysis per GDC-4
R.E. Ginna Nuclear Power Plant
Docket No. 50-244

Dear Mr. Clark:

Ginna is planning to submit a power uprate License Amendment Request to the NRC in June 2005. As part of this uprate, new calculations and evaluations are being performed by our contractors regarding the dynamic effects of postulated high energy line breaks in containment.

In accordance with 10 CFR 50, Appendix A, General Design Criterion 4, "Environmental and Dynamic Effects Design Bases", we have performed analyses to demonstrate that the probability of fluid system piping rupture for certain lines attached to the Reactor Coolant System is extremely low under conditions consistent with the design basis for the piping.

The following documents are enclosed with this transmittal letter:

1. Five (5) copies of WCAP-16311-P, Revision 0, "Technical Justification for Eliminating Pressurizer Surge Line Rupture as the Structural Design Basis for the R.E. Ginna Nuclear Power Plant, "August 2004 (Proprietary)
2. Westinghouse authorization letter CAW-04-1886 with accompanying affidavit, Proprietary Information Notice, and Copyright Notice. 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 2.390 of the Commission's regulations.
3. Five (5) copies of WCAP-16311-NP, Revision 0, "Technical Justification for Eliminating Pressurizer Surge Line Rupture as the Structural Design Basis for the R.E. Ginna Nuclear Power Plant, "August 2004" (Non-proprietary)

1001137

APOI

cc: J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company, LLC
P.O. Box 355
Pittsburgh, PA 15230-0355

Mr. Robert L. Clark (Mail Stop O-8-C2)
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Regulatory Regulation
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

Regional Administrator, Region 1
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

U.S. NRC Ginna Senior Resident Inspector

Mr. Peter R. Smith
New York State Energy, Research, and Development Authority
Corporate Plaza West
286 Washington Avenue Extension
Albany, NY 12203-6399

Mr. Paul Eddy
NYS Department of Public Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223

James M. Petro Jr.
Counsel, Generation - Nuclear
Constellation Energy
750 East Pratt Street, 17th Floor
Baltimore, MD 21202



Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355
USA

Mr. Mark Finley
Constellation Generation Group
R. E. Ginna Station
1503 Lake Road
Ontario, NY 14519

Direct tel: 860-731-1606
Direct fax: 860-731-1674 & 1675
e-mail: douglas.h.warren@us.westinghouse.com
Purchase Order: 5000007250
Sales order: 25720
Our ref: RGE-04-44

August 26, 2004

**CONSTELLATION GENERATION GROUP
R. E. GINNA PLANT
Affidavit for Withholding Proprietary Information
(CAW-04-1886) for WCAP-16311-P, Revision 0**

- References: 1. WCAP-16311-P, Revision 0, "Technical Justification for Eliminating Pressurizer Surge Line Rupture as the Structural Design Basis for the R. E. Ginna Nuclear Power Plant," August 2004.
2. WCAP-16311-NP, Revision 0, "Technical Justification for Eliminating Pressurizer Surge Line Rupture as the Structural Design Basis for the R. E. Ginna Nuclear Power Plant," August 2004.

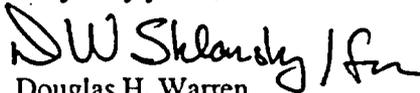
Dear Mr. Finley:

This letter transmits the necessary information that can be used by Constellation Generation Group for a submittal of Westinghouse proprietary information included in the pressurizer surge line evaluation for R. E. Ginna (References 1 and 2). The following documents are attached for your use in preparing the NRC submittals (Attachment 1):

1. Information that should be included in your transmittal letter.
2. Proprietary Information Notice to be attached to your NRC transmittal letter.
3. Copyright Notice to be attached to your NRC transmittal letter
4. Westinghouse letter "Application for Withholding Proprietary Information from Public Disclosure" (CAW-04-1886) with Affidavit CAW-04-1886.

Please transmit the original of Item 4 to the NRC with your transmittal. This effort was performed under Purchase Order Number 5000007250. If there are any questions, please contact Mr. Dave Sklarsky (412-374-4765) or me (860-731-1606).

Very truly yours,


Douglas H. Warren
Customer Projects Manager

cc: Al Butcavage - CGG (Ginna Site)
Jim Dunne - CGG (Ginna Site)
George Wrobel - CGG (Ginna Site)
Avelino Rochino - CGG (Ginna Site)

Direct tel:

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

Direct tel: (412) 374-4643
Direct fax: (412) 374-4011
e-mail: greshaja@westinghouse.com

Our ref: CAW-04-1886

August 26, 2004

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: WCAP-16311-P, Revision 0, "Technical Justification for Eliminating Pressurizer Surge Line Rupture as the Structural Design Basis for the R. E. Ginna Nuclear Power Plant," August 2004.
(Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-04-1886 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 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by Constellation Generation Group.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-04-1886, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,



J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Enclosures

cc: W. Macon
E. Peyton

bcc: J. A. Gresham (ECE 4-7A) 1L
R. Bastien, 1L (Nivelles, Belgium)
C. Brinkman, 1L (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)
RCPL Administrative Aide (ECE 4-7A) 1L, 1A (letter and affidavit only)

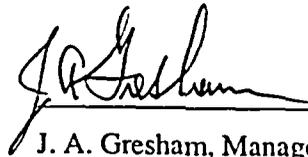
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

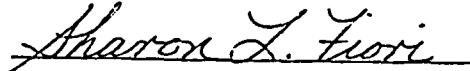
Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



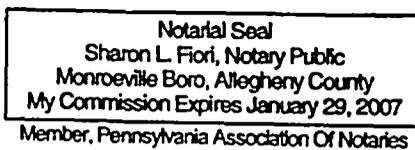
J. A. Gresham, Manager

Regulatory Compliance and Plant Licensing

Sworn to and subscribed
before me this 24th day
of August, 2004



Notary Public



- (1) I am Manager, Regulatory Compliance and Plant Licensing, 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 Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 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 Westinghouse 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 2.390 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 10 CFR Section 2.390, 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-16311-P, Revision 0, "Technical Justification for Eliminating Pressurizer Surge Line Rupture as the Structural Design Basis for the R. E. Ginna Nuclear Power Plant," August 2004 (Proprietary) being transmitted by the Constellation Generation Group letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse for R. E. Ginna is expected to be applicable for other licensee submittals in response to certain NRC requirements for justification of Leak Before Break (LBB) application.

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

- (a) Provide documentation of the actual margins relative to flaw size.

- (b) Provide the application of the methodology to determine LBB margins.
- (c) Assist the customer in obtaining NRC approval by responding to NRC questions.

Further this information has substantial commercial value as follows:

- (a) The information reveals the distinguishing aspects of a method; prevention of its use by any 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 process, 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.

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 support 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 2.390 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)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(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 2.390 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.

Constellation Generation Group

Letter for Transmittal to the NRC

The following paragraphs should be included in your letter to the NRC:

Enclosed are:

1. 10 copies of WCAP-16311-P, Revision 0, "Technical Justification for Eliminating Pressurizer Surge Line Rupture as the Structural Design Basis for the R. E. Ginna Nuclear Power Plant," August 2004 (Proprietary)
2. 10 copies of WCAP-16311-NP, Revision 0, "Technical Justification for Eliminating Pressurizer Surge Line Rupture as the Structural Design Basis for the R. E. Ginna Nuclear Power Plant," August 2004 (Non-Proprietary)

Also enclosed is Westinghouse authorization letter CAW-04-1886 with accompanying affidavit, Proprietary Information Notice, and Copyright Notice.

As Item 1 contains information proprietary to Westinghouse Electric Company LLC, 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 2.390 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 Section 2.390 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-04-1886 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.