UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 1, 1984

Docket No. 50-244
LS05-84-06-002

Mr. Roger W. Kober, Vice President
Electric and Steam Production
Rochester Gas & Electric Corporation
89 East Avenue
Rochester, New York 14649

Dear Mr. Kober:

SUBJECT: RESPONSES TO NRC STAFF QUESTIONS; REQUEST FOR WITHHOLDING OF INFORMATION - USE OF WESTINGHOUSE OPTIMIZED FUEL

Re: R. E. Ginna Nuclear Power Plant

Your letter of April 12, 1984 provided additional clarification to responses to staff questions regarding a prior Rochester Gas and Electric Corporation request (December 20, 1983) for a change in the plant technical specifications to permit the use of the Westinghouse (W) Optimized Fuel Assembly. Your letter also stated that the information was proprietary to the Westinghouse Electric Corporation and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. The request was supported by an affidavit dated December 2, 1976.

The following items are considered proprietary by Westinghouse:

(1) The pressure during the steamline break at the limiting condition, i.e., the point of maximum departure from nucleate boiling ratio (DNBR). The W-3 correlation was used to calculate the DNBR for the steamline break event. W contends that revealing the pressure would also reveal the applicability of the W-3 correlation at that pressure.

(2) The value of the DNBR above which the minimum calculated DNBR for the transition core following a steamline break would be expected to occur.

Since there are two variables in question, they will be treated separately.

Pressure During Steamline Break - W maintains that the information is considered proprietary because 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. W also maintains that 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.

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We have reviewed your application and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of W statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

We have determined that calculated pressure during steamline breaks at the limiting condition marked as proprietary, should be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. We therefore, approve your request for withholding pursuant to 10 CFR 2.790 and are withholding the value of the minimum pressure during a steamline break from public inspection as proprietary.

DNBR - During a telephone conference call on April 9, 1984 between RG&E, Westinghouse, and the NRC, the NRC emphasized that an adequate basis be provided on the docket to justify the validity of the W-3 correlation at low pressure, and specifically that an adequate DNBR margin existed. The NRC staff stated that if the calculated DNBR value was provided, it would be held as proprietary. If the information was presented as the calculated DNBR value which was above a reference value, it would be considered non-proprietary since the calculated value was not divulged. Westinghouse took neither approach. They, instead, provided a minimum DNBR value but claimed it to be proprietary.

After reviewing the information regarding the minimum value of the DNBR and the supporting documentation, we cannot agree that the value should be considered proprietary. Two items in Chapter 1 of 10 CFR 2.790, Subpart G, Rules of Applicability, pertain to the question of withholding information in this instance, items 4(ii) and 4(v) which are discussed below:

4(ii) - "The Commission shall determine whether information sought to be withheld from public disclosure is a type customarily held in confidence and whether there is a rational therefore."

The staff's position is that the values of the DNBR that are held in confidence are the actual values used in the Steamline Break (SLB) accident which could be used for a benchmark in competitors codes. However, an artificial or fictitious value as given in Enclosure 3, to your letter, does not reveal the actual value and is stated as not being the actual value. In addition, the value is based on discussions with the staff regarding what margin would be acceptable in view of the application of W-3 correlation below the pressure range which had been reviewed and accepted by the staff. Thus, the artificial or fictious value provided in Enclosure 3 is an acceptance criteria applied by the staff for the Ginna SLB analysis. It is independent of actual Westinghouse calculation results and is comparable to Westinghouse stating that the calculation results meet an acceptance criterion of a DNBR value of 1.3.

4(v) - "Whether public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of the owner of the information, taking into account the value of the information to the owner; the amount of effort or money, if any, expended by the owner in developing the information; and the ease or

difficulty with which the information could be properly acquired or duplicated by others."

The staff's position is that by using the artificial or fictitious values provided in Enclosure 3, Westinghouse has not revealed a value that is of worth to a competitor. This is because the actual value could be any value above that quoted and reveals nothing about Westinghouse calculation methods.

Accordingly, we have concluded that the value of the DNBR sought to be withheld does not meet the requirements of 10 CFR 2.790. Therefore, your request to withhold the aforementioned information from public information is denied.

In not less than thirty (30) days from the date of this letter, the subject documents will be placed in the Public Document Room with the value of the minimum pressure deleted. If, within thirty (30) days of the date of this letter you request withdrawal of the documents in accordance with 10 CFR 2.790(c), your requests will be considered in the light of applicable statutes and regulations and a determination made whether the documents will be withheld from the Public Document Room and returned to you.

However, please note that the information discussed above constitutes a portion of the basis upon which the use of the Westinghouse Optimized Fuel Assembly for Ginna was approved. Therefore, an acceptable resolution of this issue must be achieved in order to maintain a complete licensing basis.

Sincerely,

James J. Lombardo for

Dennis M. Crutchfield, Chief
Operating Reactors Branch #5
Division of Licensing

cc: See next page

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Sincerely,

Original signed by James Lombardo
for
Dennis M. Crutchfield, Chief
Operating Reactors Branch #5
Division of Licensing

cc: See next page
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