



Westinghouse

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Nuclear Fuel
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Director, Office of Nuclear Material Safety and
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U. S. Nuclear Regulatory Commission
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Your ref:
Our ref: LTR-RAC-18-36

SUBJECT: WESTINGHOUSE SUBMITTAL OF NUCLEAR
CRITICALITY SAFETY VALIDATION REPORTS

Date June 7, 2018

Westinghouse Electric Company LLC (Westinghouse) is providing new validation report calculations in accordance with Section 6.1.5.3 of the SNM-1107 License Application. These calculations were performed to support the use of uranium silicide (U_3Si_2) pellets for the Westinghouse EnCore® Accident Tolerant Fuel – Lead Test Rods (LTR) Program. These validation reports were developed to support the Environment, Health and Safety (EH&S) review of the EnCore® LTR Program and are applicable to the Westinghouse Columbia Fuel Fabrication Facility (CFFF).

Enclosure 1, calculation note CN-CRI-17-008, documents the critical experiments chosen for validation of the MCNP 5 computer code system for operations at the CFFF that involve the EnCore® Accident Tolerant Fuel. Enclosure 2, calculation note CN-CRI-17-009, documents the validation of the MCNP 5 computer code system for development of the Criticality Safety Evaluations related to use of uranium silicide (U_3Si_2) pellets for fabrication of EnCore® Accident Tolerant Fuel.

These calculations are proprietary in their entirety, and a non-proprietary version is not submitted. In conformance with the requirements of 10 CFR 2.390, as amended, an Application for Withholding Proprietary Information from Public Disclosure, and an Affidavit are submitted. The Affidavit sets forth the basis on which the information identified as proprietary may be withheld from public disclosure by the Commission.

If you have any questions, please contact me at (803) 647-3338.

Nancy Blair Parr

Nancy Blair Parr, Manager
Licensing
Westinghouse Columbia Fuel Fabrication Facility
Docket 70-1151 License SNM-1107

Enclosure 1: Westinghouse Calculation CN-CRI-17-008 Revision 0 – 8 pages (Proprietary)
Enclosure 2: Westinghouse Calculation CN-CRI-17-009 Revision 0 – 15 pages (Proprietary)

cc: w/o enclosures
U. S. Nuclear Regulatory Commission, Region II
245 Peachtree Center Avenue NE, Suite 1200
Atlanta, GA 30303-1257
Attn: Mr. Thomas Vukovinsky

U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852-2738
Attn: Ms. Marilyn Diaz, Mail Stop T-4A60

ATTACHMENT 1

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

**SUBJECT: WESTINGHOUSE SUBMITTAL OF NUCLEAR CRITICALITY SAFETY
VALIDATION REPORTS (PROPRIETARY)**

Reference: Letter from Nancy Blair Parr to Director, Office of Nuclear Material Safety and Safeguards and Environmental Review, LTR-RAC-18-36, dated June 7, 2018

The Application for Withholding Proprietary Information from Public Disclosure is submitted by Westinghouse Electric Company LLC (Westinghouse), pursuant to the provisions of paragraph (b)(1) of Section 2.390 of the Commission's regulations. It contains technical information proprietary to Westinghouse and customarily held in confidence.

The information for which withholding is being requested is identified in the proprietary version of the subject report. In conformance with 10 CFR Section 2.390, an Affidavit accompanies this Application for Withholding Proprietary Information from Public Disclosure, setting forth the basis on which the identified proprietary information may be withheld from public disclosure.

Accordingly, it is respectfully requested that the subject information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commission's regulations.

Should you have any questions or require any additional information, please telephone me directly at (803) 647-3338.

Sincerely,



Nancy Blair Parr, Manager
CFFF Licensing
Westinghouse Electric Company LLC

AFFIDAVIT

- (1) I am the Licensing Manager of the Columbia Fuel Fabrication Facility, 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 Westinghouse Columbia Fuel Fabrication Facility (CFFF) submittals to the NRC, 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 Proprietary Information from Public Disclosure 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 constitute Westinghouse policy and provide 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.
- (iii) 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 competitors 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.
- (iv) 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.
- (v) 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.

- (vi) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in the enclosed report, “Westinghouse Submittal of Nuclear Criticality Safety Validation Reports: Enclosure 1 and Enclosure 2” (Proprietary), for submittal to the Commission, being transmitted by Westinghouse letter, LTR-RAC-18-36 and Application for Withholding Proprietary Information from Public Disclosure. The proprietary information as submitted by Westinghouse is that associated with its EnCore® Accident Tolerant Fuel – Lead Test Rods (LTR) Program.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse. Westinghouse EnCore® Accident Tolerant Fuel technology could be “game changing” for the nuclear industry, which could provide Westinghouse a competitive advantage over other fuel designers and fabricators. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.

The averments of fact set forth in this Affidavit are true and correct to the best of my knowledge, information, and belief:



Nancy Blair Parr, Licensing Manager
Columbia Fuel Fabrication Facility
Westinghouse Electric Company LLC