



Westinghouse Electric Company  
Engineering Services Integration  
2000 Day Hill Road  
P.O. Box 500  
Windsor, Connecticut 06095  
USA

16 November, 2001  
LTR-NRC-01-39

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852-2738

**SUBJECT: SUBMITTAL OF "-A" ACCEPTED VERSION OF CENPD-404-P, REV. 0**  
**[ENCLOSURE 1-P CONTAINS WESTINGHOUSE PROPRIETARY CLASS 2 MATERIAL]**

References: 1. Letter, P.W. Richardson (CENP) to USNRC Document Control Desk, "Submittal of CENPD-404-P, Rev. 0 Regarding Implementation of ZIRLO™ Cladding Material in CENP Fuel Designs". LD-2001-0005, January 22, 2001  
2. Letter, S. A. Richards (NRC) to P. W. Richardson (WEC), "Safety Evaluation of Topical Report CENPD-404-P, Revision 0, 'Implementation of ZIRLO Material Cladding in CE Nuclear Power Fuel Assembly Designs' (TAC No. MB1035)", September 12, 2001

On January 22, 2001, topical report CENPD-404-P, Rev. 0, "Implementation of ZIRLO™ Cladding Material in CE Nuclear Power Fuel Designs", was submitted (Reference 1) for Nuclear Regulatory Commission (NRC) review and approval. On September 12, 2001, the NRC issued (Reference 2) its Safety Evaluation (SE) accepting CENPD-404-P, Rev. 0 for referencing in licensing applications. In accordance with the guidance of NUREG-0390, the SE requested that WEC issue an "Accepted" version (i.e., "-A") of the topical report within three (3) months. This letter formally submits the "Accepted" version of the topical report, CENPD-404-P-A, Rev. 0, as requested.

It should be noted that during the period between the initial submittal of the topical report and the SE issuance, the original submitting company underwent an organizational change. As approved by the USNRC, CE Nuclear Power LLC (CENP), the submitting company, has merged into Westinghouse Electric Company LLC (WEC) and, therefore, ceased to exist. Accordingly, references in the topical report and the SE to the former name (e.g., CE Nuclear Power or CENP) are understood to be equivalent to references to WEC. The company designator on the cover of the topical report has been changed from CE Nuclear Power LLC to Westinghouse Electric Company LLC. However, for text within the body of the topical report, it was more convenient to continue to use the former corporate name (in its various evolutionary forms) as a means of distinguishing between traditional CENP designs and products and traditional WEC designs and products. Accordingly, it is understood that the SE for CENPD-404-P accepts the implementation of ZIRLO™ cladding material in the fuel designs of the former CENP, which are now owned, and will be implemented, by WEC.

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WEC has determined that the information contained in CENPD-404-P-A, Rev. 0 (Enclosure 1-P) is proprietary in nature. Consequently, it is requested that this topical report be withheld from public disclosure in accordance with the provisions of 10 CFR 2.790 and that copies of the topical report be appropriately safeguarded. The reasons for the classification of this information as proprietary are delineated in the affidavit provided in Enclosure 2. Enclosure 3 provides a non-proprietary version of the topical report (i.e., CENPD-404-NP-A, Rev. 0).

If you have any questions regarding this matter, please do not hesitate to call Chuck Molnar of my staff at (860) 731-6286.

Very truly yours,  
Westinghouse Electric Company LLC

A handwritten signature in black ink, appearing to read 'Philip W. Richardson', with a large, sweeping flourish extending to the right.

Philip W. Richardson  
Licensing Project Manager  
Windsor Nuclear Licensing

Enclosure(s): 1. CENPD-404-P-A, Rev. 0 – 3 copies  
2. Proprietary Affidavit  
3. CENPD-404-NP-A, Rev. 0 – 1 copy

xc: w/o Enclosures

J. S. Cushing (NRC)  
R. Caruso (NRC)

**Westinghouse Proprietary Class 2**

Enclosure 1-P to LTR-NRC-01-39

**WESTINGHOUSE ELECTRIC COMPANY LLC**

**CENPD-404-P-A, REV. 0**

**IMPLEMENTATION OF ZIRLO™ CLADDING MATERIAL  
IN CE NUCLEAR POWER FUEL DESIGNS**

**NOVEMBER 2001**

**Westinghouse Proprietary Class 2**

**WESTINGHOUSE ELECTRIC COMPANY LLC**

**PROPRIETARY AFFIDAVIT**

**FOR**

**CENPD-404-P-A, REV. 0**

**IMPLEMENTATION OF ZIRLO™ CLADDING MATERIAL  
IN CE NUCLEAR POWER FUEL DESIGNS**

### Proprietary Affidavit

I, Philip W. Richardson, depose and say that I am the Licensing Project Manager, Windsor Nuclear Licensing, of Westinghouse Electric Company LLC (WEC), duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and described below.

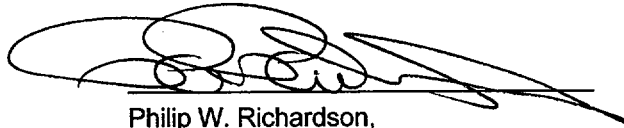
I am submitting this affidavit in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations for withholding this information. I have personal knowledge of the criteria and procedures utilized by WEC in designating information as a trade secret, privileged, or as confidential commercial or financial information.

The information for which proprietary treatment is sought, and which documents have been appropriately designated as proprietary, is contained in the following:

CENPD-404-P-A, Rev. 0, "Implementation of ZIRLO™ Cladding Material in CE Nuclear Power Fuel Designs",  
October 2001

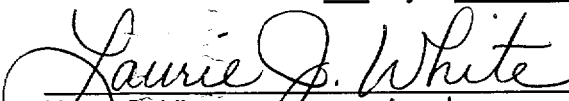
Pursuant to the provisions of Section 2.790(b)(4) of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information included in the documents listed above should be withheld from public disclosure.

- i. The information sought to be withheld from public disclosure is owned and has been held in confidence by WEC. It consists of information concerning implementation of ZIRLO™ cladding in CENP fuel designs.
- ii. The information consists of test data or other similar data for the design, development and implementation of ZIRLO™ cladding, the application of which results in substantial competitive advantage to WEC.
- iii. The information is of a type customarily held in confidence by WEC and not customarily disclosed to the public.
- iv. The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence by the Commission.
- v. The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements that provide for maintenance of the information in confidence.
- vi. Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC because:
  - a. A similar product is manufactured and sold by major competitors of WEC.
  - b. WEC invested substantial funds and engineering resources in the development of this information. A competitor would have to undergo similar expense in generating equivalent information.
  - c. The information consists of implementation plans for the use of ZIRLO™ fuel cladding, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to design their product to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.
  - d. In pricing WEC's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
  - e. Use of the information by competitors in the international marketplace would increase their ability to market a competing product, reducing the costs associated with their technology development.



Philip W. Richardson,  
Licensing Project Manager  
Westinghouse Electric Company LLC

Sworn to before me this 16<sup>th</sup> day of November, 2001

  
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Notary Public  
My commission expires: 8/31/04

**WESTINGHOUSE ELECTRIC COMPANY LLC**

**CENPD-404-NP-A, REV. 0**

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