

SEP 08 2003

LR-N03-0386



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

**SVEA-96+ MODELING DIMENSIONS
HOPE CREEK GENERATING STATION
FACILITY OPERATING LICENSE NPF-57
DOCKET NO. 50-354**

Reference: GNF-A Proprietary Report, NEDC-33107P, "GEXL80 Correlation for SVEA96+ Fuel," dated September 2003

PSEG Nuclear LLC (PSEG) is providing the attached information in support of the NRC's review of the Reference submittal. The information relates to SVEA-96+ modeling dimensions and was used by Global Nuclear Fuel – Americas (GNF-A) in developing the GEXL80 correlation for the Westinghouse SVEA96+ fuel design.

Attachment 1 contains information which Westinghouse Electric Company LLC (Westinghouse) considers to be proprietary. Westinghouse requests that the proprietary information in Attachment 1 be withheld from public disclosure in accordance with 10 CFR 2.790. An affidavit in support of this request is provided in Attachment 2. A non-proprietary version of Attachment 1 is provided in Attachment 3.

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse Affidavit should reference CAW-03-1698 and should be addressed to H. A. Sepp, Manager of Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, P.O. Box 355, Pittsburgh, PA 15230-0355.

Should you have any questions regarding this matter, please contact Mr. Paul Duke at 856-339-1466.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Salamon".

G. Salamon
Manager - Nuclear Safety and Licensing

Attachments (3)

This letter forwards proprietary information in accordance with 10CFR 2.790. The balance of this letter may be considered non-proprietary upon removal of Attachment 1.

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C Mr. H. J. Miller, Administrator - Region I
U. S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

U. S. Nuclear Regulatory Commission
ATTN: Mr. R. Ennis, Licensing Project Manager - Hope Creek
Mail Stop 08B3
Washington, DC 20555-0001

USNRC Senior Resident Inspector - Hope Creek (X24)

Mr. K. Tosch, Manager IV (without Attachment 1)
Bureau of Nuclear Engineering
PO Box 415
Trenton, NJ 08625

H. A. Sepp, Manager of Regulatory Compliance and Plant Licensing
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355.

**Table 2-3 of GEXL80 Correlation for SVEA96+ Fuel
(proprietary version)**

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 2.790 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 2.790(b)(1).

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Request for Withholding Attachment 1 from Public Disclosure



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

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

Direct tel: (412) 374-5282
Direct fax: (412) 374-4011
e-mail: fasnacjw@westinghouse.com

Our ref: CAW-03-1698

September 8, 2003

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

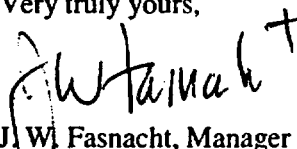
Subject: Letter LR-N03-0386, G. Salamon to NRC Document Control Desk, "SVEA-96+ MODELING DIMENSIONS, HOPE CREEK GENERATING STATION, FACILITY OPERATING LICENSE NPF-57, DOCKET NO. 50-354," dated September 8, 2003 (Proprietary) and Letter LR-N03-0388, G. Salamon to NRC Document Control Desk, "GE14 and SVEA-96+ THERMAL-HYDRAULIC COMPATIBILITY REPORT, HOPE CREEK GENERATING STATION, FACILITY OPERATING LICENSE NPF-57, DOCKET NO. 50-354," dated September 8, 2003 (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-03-1698 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 2.790 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by PSEG Nuclear, LLC

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-03-1698 and should be addressed to the undersigned.

Very truly yours,


J. W. Fasnacht, Manager
Major Programs Group

Enclosures

cc: J. Dyer
D. Holland
B. Benney
E. Peyton


AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

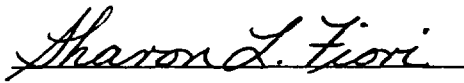
COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared J. W. Fasnacht, 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:

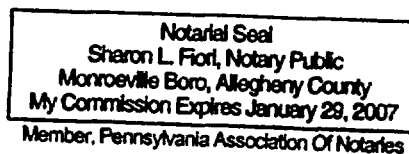
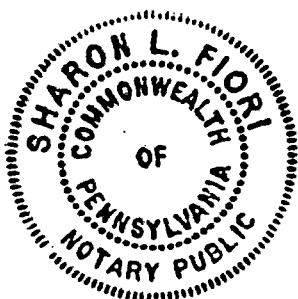


J. W. Fasnacht, Manager
Major Programs Group

Sworn to and subscribed
before me this 8th day
of September, 2003



Notary Public



- (1) I am Manager, Major Programs Group, 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 the Westinghouse Electric Company LLC.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.790 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 the Westinghouse Electric Company LLC 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 2.790 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 2.790, 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 "Table 2.3 of GEXL80 Correlation for SVEA-96+ Fuel" and input to the "Thermal Hydraulic Compatibility Report" (Proprietary), for PSEG Nuclear LLC, being transmitted by the PSEG Nuclear LLC letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse Electric Company LLC for Hope Creek is expected to be applicable for other licensee submittals in response to certain NRC requirements for justification of GE14 fuel transition

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

- (a) Determine the correlation for SVEA-96+ fuel.

(b) Determine Thermal Hydraulic Compatibility.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of using SVEA-96+ fuel.
- (b) Westinghouse can sell support and defense of licensing support.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

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 calculations and data 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.

**Table 2-3 of GEXL80 Correlation for SVEA96+ Fuel
(non-proprietary version)**

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Westinghouse Non-Proprietary Class 3
Table 2-3. SVEA96+ Modeling Dimensions

Characteristic	Assembly
Nominal Inside Width of Channel	[[]] ^{a,c}
Inside Corner Radius of Channel	[[]] ^{a,c}
Rod Pitch	[[]] ^{a,c}
Diameter of Heated Rods	[[]] ^{a,c}