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 AUTH. NAME AUTHOR AFFILIATION
 BEMIS, P.R. Washington Public Power Supply System
 RECIP. NAME RECIPIENT AFFILIATION
 Document Control Branch (Document Control Desk) I

SUBJECT: Advises that "ANFB Critical Power Correlation," D
 ANF-1125(P) (A), suppl 2, dtd Apr 1990 contains proprietary S
 info & should be withheld from public disclosure per
 10CFR2.790.

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MAY

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

P.O. Box 968 • 3000 George Washington Way • Richland, Washington 99352-0968 • (509) 372-5000

April 20, 1994

G02-94-089

Docket No. 50-397

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1 37
Washington, D.C. 20555

Gentlemen:

Subject: **RESPONSE TO REQUEST FOR ADDITIONAL
INFORMATION**

As requested by J.W. Clifford, WNP-2 Project Manager, attached is the following proprietary document:

"ANFB Critical Power Correlation,"
ANF-1125 (P)(A), Supplement 2, dated April 1990

The Siemens Power Corporation topical report ANF-1125(P)(A) and Supplements 1 and 2, contains information proprietary to Siemens Power Corporation. In accordance with the requirements of 10 CFR 2.79(b), an affidavit for this report is enclosed to support the withholding of this report from public disclosure.

Should you have any questions or desire additional information, please call me or H.E. Kook at (509) 377-4278.

Sincerely,

H. E. Kook, Jr. for

P. R. Bemis (Mail Drop PE20)
Manager, Regulatory Programs

PRB/kd

Attachments

cc: JW Clifford - NRC
NS Reynolds - Winston & Strawn
DL Williams - BPA/399 w/o
NRC Site Inspector - 927N

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AFFIDAVIT

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

I, D. E. Hershberger being duly sworn, hereby say and depose:

1. I am Senior Engineer, Product Licensing, for Siemens Power Corporation-Nuclear Division ("SPC"), and as such I am authorized to execute this Affidavit.

2. I am familiar with SPC's detailed document control system and policies which govern the protection and control of information.

3. I am familiar with the SPC report ANF-1125(P)(A) and Supplements 1 and 2, entitled "ANFB Critical Power Correlation," referred to as "Document." Information contained in this Document has been classified by SPC as proprietary in accordance with the control system and policies established by SPC for the control and protection of information.

4. The Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by SPC and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in the Document as proprietary and confidential.

5. The Document has been made available to the U.S. Nuclear Regulatory Commission in confidence, with the request that the information contained in the Document will not be disclosed or divulged.

6. The Document contains information which is vital to a competitive advantage of SPC and would be helpful to competitors of SPC when competing with SPC.

7. The information contained in the Document is considered to be proprietary by SPC because it reveals certain distinguishing aspects of SPC product design and design methodology which secure competitive advantage to SPC for fuel design optimization and marketability, and includes information utilized by SPC in its business which affords SPC an opportunity to obtain a competitive advantage over its competitors who do not or may not know or use the information contained in the Document.

8. The disclosure of the proprietary information contained in the Document to a competitor would permit the competitor to reduce its expenditure of money and manpower and to improve its competitive position by giving it valuable insights into SPC product design and design methodology and would result in substantial harm to the competitive position of SPC.

9. The Document contains proprietary information which is held in confidence by SPC and is not available in public sources.

10. In accordance with SPC's policies governing the protection and control of information, proprietary information contained in the Document has been made available, on a limited basis, to others outside SPC only as required and under suitable agreement providing for nondisclosure and limited use of the information.

11. SPC policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

12. Information in this Document provides insight into SPC product design and design methodology developed by SPC. SPC has invested significant resources in developing the product and methodology as well as the strategy for this application. Assuming a competitor had available the same background data and incentives as SPC, the competitor might, at a minimum, develop the information for the same expenditure of manpower and money as SPC.

THE
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535

100-100000-100000

THAT the statements made hereinabove are, to the best of my knowledge,
information, and belief, truthful and complete.

FURTHER AFFIANT SAYETH NOT.

Darryl Hank

SUBSCRIBED before me this 11

day of April, 1994.

Susan K. McCoy

Susan K. McCoy
NOTARY PUBLIC, STATE OF WASHINGTON
MY COMMISSION EXPIRES: 1/10/96



STATE OF WASHINGTON)
)

Subject: Submittal of ANF-1125(P), Supp 1&2
ANFB Critical Power Correlation

COUNTY OF BENTON)

I, H. E. KOOK, being duly sworn, subscribe to and say that I am the Manager, WNP-2 Licensing for the WASHINGTON PUBLIC POWER SUPPLY SYSTEM, the applicant herein; that I have the full authority to execute this oath; that I have reviewed the foregoing; and that to the best of my knowledge, information, and belief the statements made in it are true.

Attached to this submittal is a copy of ANF-1125(P), Supplements 1 and 2, which is considered by Advanced Nuclear Fuels Corporation to contain proprietary information.

Also attached is an affidavit executed by Mr. D. E. Hershberger, Senior Engineer, Product Licensing, dated April 11, 1994 which provides the basis on which it is claimed that the subject report should be withheld from public disclosure under the provisions of 10 CFR 2.790.

The Washington Public Power Supply System treats the subject report as proprietary information on the basis of statements by its owner. In submitting this information to the NRC, the Supply System requests that the subject report be withheld from public disclosure in accordance with 10 CFR 2.790.

DATE April 20, 1994

H. E. Kook
H. E. Kook, Manager
WNP-2 Licensing

On this date personally appeared before me H. E. KOOK, to me known to be the individual who executed the foregoing instrument, and acknowledged that he signed the same as his free act and deed for the uses and purposes herein mentioned.

GIVEN under my hand and seal this 20th day of April, 1994.

Bain Kook
Notary Public in and for the
STATE OF WASHINGTON

Residing at Kennewick, Washington

My Commission Expires 4/08/94

