

# CATEGORY 1

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 COLEMAN,D.W. Washington Public Power Supply System *See Report*  
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 Records Management Branch (Document Control Desk)

SUBJECT: Forwards proprietary ABB-CE ltr re WNP-2 cycle 15 SLMCPR &  
 core reload design rept,per util request for amend to re  
 MCPR safety limits.Proprietary info withheld,per 10CFR2.790.

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WASHINGTON PUBLIC POWER SUPPLY SYSTEM

P.O. Box 968 • Richland, Washington 99352-0968

May 25, 1999  
GO2-99-100

Docket No. 50-397

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

Gentlemen:

Subject: WNP-2, OPERATING LICENSE NPF-21  
SUPPLEMENTAL REFERENCE MATERIAL  
REQUEST FOR AMENDMENT  
MINIMUM CRITICAL POWER RATIO SAFETY LIMITS

Reference: Letter GO2-99-064 dated April 7, 1999, GO Smith (Supply System) to NRC,  
"Request for Amendment, Minimum Critical Power Ratio Safety Limits"

The referenced letter transmitted our request for an amendment of the WNP-2 Technical Specifications pertaining to minimum critical power ratio safety limits. During follow-up discussions with the NRC it was agreed that additional background information, in the form of letter references 1, 2 and 5, would be beneficial to support staff review of the submittal.

As requested, the references are attached. Attachment A consists of a letter from Asea Brown-Boveri (ABB) pertaining to the WNP-2 Cycle 15 safety limit minimum critical power ratio. Attachment B is the WNP-2 Cycle 15 reference core reload design report from ABB. Attachment C is the minimum critical power ratio safety limit reanalysis for WNP-2 Cycle 11 from Siemens Power Corporation.

Some of the information contained in the three attachments has been identified as proprietary and is marked accordingly (i.e., bracketed). Therefore, pursuant to the requirements of 10 CFR 2.790, an affidavit is enclosed to support the withholding of this information from public disclosure.

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**SUPPLEMENTAL REFERENCE MATERIAL  
REQUEST FOR AMENDMENT  
MINIMUM CRITICAL POWER RATIO SAFETY LIMITS**  
Page 2 of 2

Should you have any questions or desire additional information regarding this matter, please contact me or JE Rhoads at (509) 377-4298.

Respectfully,

*D. W. Coleman*

DW Coleman  
Manager, Regulatory Affairs  
Mail Drop PE20

Attachments

cc: EW Merschoff - NRC RIV (w/o)  
JS Cushing - NRC NRR  
NRC Sr. Resident Inspector - 927N (w/o)  
DL Williams - BPA/1399 (w/o)  
PD Robinson - Winston & Strawn (w/o)

1993

AFFIDAVIT

STATE OF WASHINGTON     )  
                                      )  
COUNTY OF BENTON     )

Subjects: 1) Letter ABBWP-99-015, "WNP-2 Cycle 15  
Safety Limit Minimum Critical Power Ratio for  
SVEA-96 Fuel Based on Reference Core"  
2) Report CE NPSD-844-P, "WNP-2 Cycle 15  
Reference Core Reload Design Report"  
3) Letter KVVW-98-148, "MCPR Safety Limit  
Reanalysis for WNP-2 Cycle 11"

I, DW Coleman, being duly sworn, subscribe to and say that I am the Manager, Regulatory Affairs, 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.

The attachments to this letter contain information which is considered by ABB Combustion Engineering and Siemens Power Corporation to be proprietary.

Attached are affidavits executed by HD Curet, Manager, Product Licensing for Siemens Power Corporation dated April 27, 1999, and IC Rickard, Director, Nuclear Licensing, of Combustion Engineering, Inc., dated May 14, 1999, which provide the basis on which it is claimed that the subject documents should be withheld from public disclosure under the provisions of 10 CFR 2.790.

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

DATE May 25, 1999

D.W. Coleman  
D.W. Coleman  
Manager, Regulatory Affairs

On this date personally appeared before me DW COLEMAN, 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.

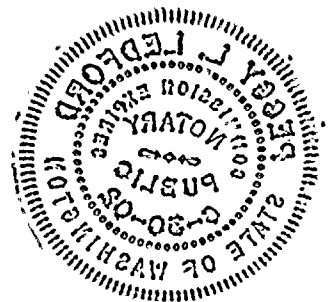
GIVEN under my hand and seal this 25 day of May 1999.

Peggy L. Ledford  
Notary Public in and for the  
STATE OF WASHINGTON

Residing at Richland, WA  
Benton Co.

My Commission Expires June 30, 2002





**AFFIDAVIT PURSUANT**

**TO 10 CFR 2.790**

I, Ian C. Rickard, depose and say that I am the Director, Nuclear Licensing, of Combustion Engineering, Inc., duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and referenced in the paragraph immediately below. I am submitting this affidavit in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations and in conjunction with Washington Public Power Supply System for withholding this information.

The information for which proprietary treatment is sought is contained in the following documents:

1. ABBWP-99-015, "WNP-2 Cycle 15 Safety Limit Minimum Critical Power Ratio for SVEA-96 Fuel Based on Reference Core", February 19, 1999
2. CENPSD 844-P, "WNP-2 Cycle 15 Reference Core Reload Design Report", January 1999

These documents have been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by Combustion Engineering in designating information as a trade secret, privileged or as confidential commercial or financial information.

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, included in the above referenced document, should be withheld.

1. The information sought to be withheld from public disclosure, is owned and has been held in confidence by Combustion Engineering. It consists of core burnup strategies, fuel assembly design details as well as information regarding Safety Limit and Critical Power Ratio correlations.
2. The information consists of test data or other similar data concerning a process, method or component, the application of which results in substantial competitive advantage to Combustion Engineering.
3. The information is of a type customarily held in confidence by Combustion Engineering and not customarily disclosed to the public. Combustion Engineering 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 details of the aforementioned system were provided to the Nuclear Regulatory Commission via letter DP-537 from F. M. Stern to Frank Schroeder dated December 2, 1974. This system was applied in determining that the subject document herein is proprietary.

4. 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.
5. 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 which provide for maintenance of the information in confidence.
6. Public disclosure of the information is likely to cause substantial harm to the competitive position of Combustion Engineering because:
  - a. A similar product is manufactured and sold by major boiling water reactor fuel competitors of Combustion Engineering.
  - b. Development of this information by Combustion Engineering required tens of thousands of dollars and hundreds of manhours of effort. A competitor would have to undergo similar expense in generating equivalent information.
  - c. In order to acquire such information, a competitor would also require considerable time and inconvenience to develop core burnup strategies, fuel assembly design details as well as information regarding Safety Limit and Critical Power Ratio correlations.
  - d. The information consists of core burnup strategies, fuel assembly design details as well as information regarding Safety Limit and Critical Power Ratio correlations, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Combustion Engineering, take marketing or other actions to improve their product's position or impair the position of Combustion Engineering's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
  - e. In pricing Combustion Engineering's products and services, significant research, development, engineering, analytical,

expenses must be included. The ability of Combustion Engineering's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

- f. Use of the information by competitors in the international marketplace would increase their ability to market boiling water reactor fuel by reducing the costs associated with technology development. In addition, disclosure would have an adverse economic impact on Combustion Engineering's potential for obtaining or maintaining foreign licensees.

Further the deponent sayeth not.

  
\_\_\_\_\_  
Ian C. Rickard, Director  
Nuclear Licensing

Sworn to before me  
this 14<sup>th</sup> day of May, 1999

  
\_\_\_\_\_  
Notary Public

My commission expires: 8/31/99

AFFIDAVIT

STATE OF WASHINGTON    )  
                                      ) ss  
COUNTY OF BENTON        )

I, H. D. Curet, being duly sworn, hereby say and depose:

1. I am Manager, Product Licensing, for Siemens Power Corporation ("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 Siemens Power Corporation information in the letter KVVW:98:148 from K. V. Walters to Mr. R.A. Vopalensky titled, "MCPR Safet Limit Reanalysis for WNP-2 Cycle 11," dated July 8, 1998 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 licensing 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 licensing 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 licensing methodology developed by SPC. SPC has invested significant resources in developing the 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.

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

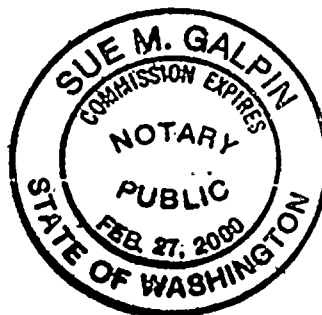
FURTHER AFFIANT SAYETH NOT.

*[Signature]*

SUBSCRIBED before me this 27<sup>th</sup>  
day of April, 1999.

*Sue M. Galpin*

Sue M. Galpin  
NOTARY PUBLIC, STATE OF WASHINGTON  
MY COMMISSION EXPIRES: 2/27/00



ALVIN K. TROTT

**SUPPLEMENTAL REFERENCE MATERIAL  
REQUEST FOR AMENDMENT  
MINIMUM CRITICAL POWER RATIO SAFETY LIMITS**

**Attachment A**

Letter ABBWP-99-015, dated February 19, 1999, RM Matheny (ABB) to RA Vopalensky (Supply System), "WNP-2 Cycle 15 Safety Limit Minimum Critical Power Ratio for SVEA-96 Fuel Based on Reference Core"

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