



Commonwealth Edison
1400 Opus Place
Downers Grove, Illinois 60515

April 29, 1993

Dr. Thomas E. Murley, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Attention: Document Control Desk

Subject: Byron Nuclear Power Station Units 1 and 2
Braidwood Nuclear Power Stations Units 1 and 2
VIPRE/WRB-2 DNBR Thermal Limit Topical Report
NRC Docket Nos. 50-454, 455, 456, and 457

Reference: D.J. Chrzanowski to Dr. T.E. Murley letter dated January 14, 1993
providing Commonwealth Edison Report NFSR-0090.

Dear Dr. Murley:

The purpose of this letter is to provide a correction to the affidavit supplied with the referenced letter. The corrections are:

1. The original affidavit stated that the topical report was dated May 1992, while it was actually dated September 1992.
2. The original affidavit stated that S. Stimac transmitted the topical to the NRC, while it was actually D. Chrzanowski who transmitted the topical. A revised affidavit is enclosed.

I regret any inconvenience this error may have caused. If there are any questions, please contact this office.

Sincerely,

Terrence W. Simpkin
T.W. Simpkin
Nuclear Licensing Administrator

Enclosure

cc: A.B. Davis - Regional Administrator, Region III
J. Hickman - Project Manager, NRR
R. Asa - Project Manager, NRR
Senior Resident Inspector - Braidwood
Senior Resident Inspector - Byron

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AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

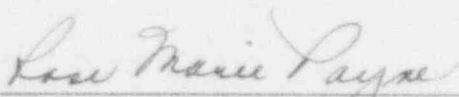
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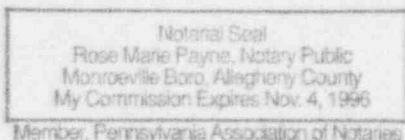
COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Dennis M. Popp, 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 Corporation ("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:


Dennis M. Popp, Manager
Project Licensing Services

Sworn to and subscribed
before me this 5 day
of April, 1993


Notary Public



- (1) I am Manager, Project Licensing Services, in the Nuclear and Advanced Technology Divisions, of the Westinghouse Electric Corporation 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 rulemaking proceedings, and am authorized to apply for its withholding on behalf of the Westinghouse Energy Systems Business Unit.
- (2) I am making this Affidavit in conformance with the provisions of 10CFR 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 Energy Systems Business Unit 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 which 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 10CFR 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 "VIPRE/WRB-2 DNBR Thermal Limit for Westinghouse 17x17 OFA and VANTAGE 5 Fuel", NFSR-0090 (Proprietary), September, 1992 for reproducing Westinghouse's methodology, being transmitted by the Commonwealth Edison Company (CECo) letter and Application for Withholding Proprietary Information from Public Disclosure, D. Chrzanowski to the Attention of Dr. T. Murley, Director, Office of NRR. The proprietary information as submitted for use by Commonwealth Edison Company for the Westinghouse reload cores is

expected to be applicable in other licensee submittals in response to certain NRC requirements for justification of DNBR thermal limits.

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

- (a) Justify the thermal performance for reload cores.
- (b) Assist its customers to obtain licenses.
- (c) Optimize reactor design and performance while maintaining a high level of fuel integrity.

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 future fuel upgrades.
- (b) Westinghouse can sell support and defense of the product to its customers in the licensing process.

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 products 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 for development testing and analytical methods.

Further the deponent sayeth not.