

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

SUBJECT: Forwards proprietary addl info to support review of pending request for amend to MCPR safety limit TS. Info consists of proprietary ltr from ABB Combusting Engineering, Inc. Encl withheld.

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WASHINGTON PUBLIC POWER SUPPLY SYSTEM

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

August 2, 1999
GO2-99-149

Docket No. 50-397

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

Gentlemen:

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

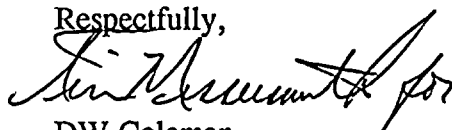
Reference: Letter, dated July 26, 1999, Jack Cushing (NRC) to JV Parrish (SS),
"Supplemental Request for Additional Information (RAI) for the Washington
Public Power Supply System Nuclear Project NO. 2 (TAC NO. MA5212)"

In the reference, the staff requested that additional information be provided to support review
of our pending request for an amendment to the Minimum Critical Power Ratio Safety Limit
Technical Specifications.

The additional information is included as an attachment, which consists of a letter from ABB
Combustion Engineering, Inc. Some of the material in the attachment 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.

Should you have any questions or desire additional information regarding this matter, please
call me or PJ Inserra at (509) 377-4147.

Respectfully,



DW Coleman
Manager, Regulatory Affairs
Mail Drop PE20

AP01/1

Attachment

cc: EW Merschoff - NRC RIV
JS Cushing - NRR
NRC Sr. Resident Inspector - 927N

DL Williams - BPA/1399
PD Robinson - Winston & Strawn

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AFFIDAVIT

STATE OF WASHINGTON)
)
COUNTY OF BENTON)

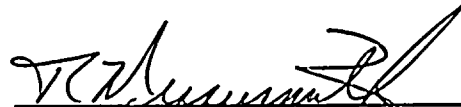
Subject: Letter ABBWP-99-076, dated July 30, 1999,
"WNP-2, Operating License NPF-21, Request
for Amendment, Minimum Critical Power
Ratio Safety Limits (Supplemental
Information)"

I, T.C. Messersmith, being duly sworn, subscribe to and say that I am the Acting 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 attachment to this letter contains information [marked in brackets] which is considered by ABB Combustion Engineering, to be proprietary. Attached is an affidavit executed by T. Rodack, Director, Mechanical Design and Advanced Projects (Nuclear Fuels), of ABB Combustion Engineering Nuclear Power, Inc., dated July 30, 1999, which provides the basis on which it is claimed that the subject document should be withheld from public disclosure under the provisions of 10 CFR 2.790.

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


DATE 8/2/, 1999



T.C. Messersmith
Acting Manager, Regulatory Affairs

On this date personally appeared before me T.C. Messersmith, 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.

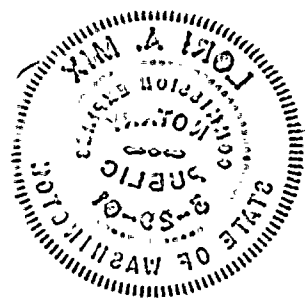
GIVEN under my hand and seal this 2 day of August 1999.



Notary Public in and for the
STATE OF WASHINGTON

Residing at N. Richland

My Commission Expires 3-29-01



AFFIDAVIT PURSUANT

TO 10 CFR 2.790

I, T. Rodack depose and say that I am the Director, Mechanical Design and Advanced Projects (Nuclear Fuels), of ABB Combustion Engineering Nuclear Power, Inc. (ABB CENP), 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 conjunction with the application of the Washington Public Power Supply System, and in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations.

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

ABBWP-99-076, "WNP-2, Operating License NPF-21, Request for Amendment, Minimum Critical Power Ratio Safety Limits (Supplemental Information), July 30, 1999

This document has been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by ABB CENP 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 ABB CENP. It consists of information regarding Safety Limits 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 ABB CENP.
3. The information is of a type customarily held in confidence by ABB CENP and not customarily disclosed to the public. ABB CENP 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 ABB CENP because:
 - a. A similar product is manufactured and sold by major competitors of ABB CENP.
 - b. Development of this information by ABB CENP 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

methods regarding Safety Limit calculations and Critical Power Ratio correlations.

- d. The information consists of material 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 ABB CENP, take marketing or other actions to improve their product's position or impair the position of ABB CENP's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
- e. In pricing ABB CENP's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of ABB CENP'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 nuclear fuel by reducing the costs associated with technology development. In addition, disclosure would have an adverse economic impact on ABB CENP's potential for obtaining or maintaining foreign licensees.

Further the deponent sayeth not.



T. Rodack, Director

Mechanical Design and Advanced
Projects (Nuclear Fuels)

Sworn to before me

this 30th day of July, 1999



Notary Public

My commission expires: 8/31/99



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