

CATEGORY 1

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 9608290212 DOC. DATE: 96/08/21 NOTARIZED: YES DOCKET # 05000597
 FACIL: 50-397 WPPSS Nuclear Project, Unit 2, Washington Public Powe
 AUTH. NAME: SWANK, D.A. AUTHOR AFFILIATION: Washington Public Power Supply System
 RECIPIENT NAME: RECIPIENT AFFILIATION: Document Control Branch (Document Control Desk)

SUBJECT: Forwards affidavit requesting that Abb CE Nuclear Operations Drawing AA 263 843 U, Rev 1, Sheet 1 be withheld from public disclosure.

DISTRIBUTION CODE: A001D COPIES RECEIVED: LTR 1 ENCL 1 SIZE: 6
 TITLE: OR Submittal: General Distribution

NOTES:

	RECIPIENT ID CODE/NAME	COPIES LTR ENCL	RECIPIENT ID CODE/NAME	COPIES LTR ENCL
	PD4-2 LA	1 1	PD4-2 PD	1 1
	COLBURN, T	1 1		
INTERNAL:	ACRS	1 1	<u>FILE CENTER</u> 01	1 1
	NRR/DE/EMCB	1 1	NRR/DRCH/HICB	1 1
	NRR/DSSA/SPLB	1 1	NRR/DSSA/SRXB	1 1
	NUDOCS-ABSTRACT	1 1	OGC/HDS3	1 0
EXTERNAL:	NOAC	1 1	NRC PDR	1 1

NOTE TO ALL "RIDS" RECIPIENTS:
 PLEASE HELP US TO REDUCE WASTE! CONTACT THE DOCUMENT CONTROL DESK,
 ROOM OWFN 5D-5 (EXT. 415-2083) TO ELIMINATE YOUR NAME FROM
 DISTRIBUTION LISTS FOR DOCUMENTS YOU DON'T NEED!

TOTAL NUMBER OF COPIES REQUIRED: LTR 13 ENCL 12

C A T E G O R Y 1 D O C U M E N T

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

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

August 21, 1996
GO2-96-168

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 ADDITIONAL INFORMATION
ABB CENO FUEL DEBRIS FILTER**

A copy of ABB Combustion Engineering Nuclear Operations (ABB CENO) Drawing AA 263 843 U, Rev. 1, Sheet 1, was informally submitted on August 6, 1996.

This drawing should be withheld from public disclosure in accordance with the provisions of 10 CFR Part 2.790. An affidavit supporting this request is enclosed.

If you have any questions or desire additional information regarding this matter please contact me or Ms. L.C. Fernandez at (509) 377-4147.

Respectfully,



D.A. Swank
Manager, Regulatory Affairs
Mail Drop PE20

Attachment

cc: LJ Callan - NRC RIV
KE Perkins, Jr. - NRC RIV, Walnut Creek Field Office
NS Reynolds - Winston & Strawn
TG Colburn - NRR
DL Williams - BPA/399
NRC Sr. Resident Inspector - 927N

A0011/1

9608290212 960821
PDR ADOCK 05000397
P PDR

STATE OF WASHINGTON)
)
COUNTY OF BENTON)

Subject: Request to Withhold Documents
From Public Disclosure

I, D.A. SWANK, being duly sworn, subscribe to and state as follows:

1. 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.
2. The Washington Public Power Supply System has informally submitted ABB Combustion Engineering Nuclear Operations (ABB CENO) Drawing AA 263 843 U, Revision 1, Sheet 1, dated 12/96.
3. Also attached is an affidavit executed by D.B. Ebeling-Koning, Manager, BWR Fuel Operations, of Combustion Engineering, Inc., dated August 16, 1996, which provides the basis on which it is claimed that the subject drawing should be withheld from public disclosure under the provisions of 10CFR2.790. ABB CENO is a division of Combustion Engineering, Inc.
4. The Washington Public Power Supply System treats ABB CENO Drawing AA 263 843 U, Revision 1, Sheet 1, as proprietary on the basis of statements by its owner. In submitting this information to the NRC, the Washington Public Power Supply System requests that the subject drawing be withheld from public disclosure in accordance with 10CFR2.790.

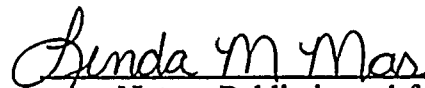

DATED: Aug 20, 1996



D.A. Swank, Manager, Regulatory Affairs

On this date personally appeared before me D.A. SWANK, 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 August 1996.



Notary Public in and for the
STATE OF WASHINGTON

Residing at Pasco, WA

My Commission Expires 4-19-99

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

Combustion Engineering, Inc.)
State of Connecticut)
County of Hartford) SS.: Windsor

I, D. B. Ebeling-Koning, depose and say that I am the Manager, BWR Fuel Operations, 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 for withholding this information.

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

Mechanical Drawing number AA 263 843 U, Titled "Fuel Channel WNP-2"

This document has 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.

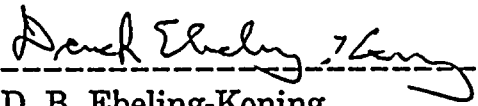
1. The information sought to be withheld from public disclosure, is owned and has been held in confidence by Combustion Engineering. It consists of mechanical design and dimensions of the SVEA-96 fuel channel.

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 light water reactor competitors of Combustion Engineering.
 - b. Development of this information by Combustion Engineering required millions of dollars and hundreds of thousands of manhours. 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 the same mechanical design and dimensions of a fuel channel.

- d. The information consists of mechanical design and dimensions of the SVEA-96 fuel channel 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, Inc.'s products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and 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.

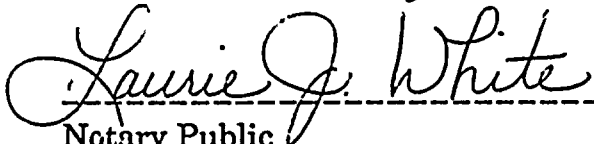
- f. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on Combustion Engineering,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

Further the deponent sayeth not.



D. B. Ebeling-Koning
Manager, BWR Fuel Operations
ABB CENO

Sworn to before me
this 16th day of August, 1996



Notary Public

My commission expires: 8/31/99