

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 9710070210 DOC. DATE: 97/09/30 NOTARIZED: YES DOCKET #
 FACIL: 50-397 WPPSS Nuclear Project, Unit 2, Washington Public Powe 05000397
 AUTH. NAME AUTHOR AFFILIATION
 C. AN, D.W. Washington Public Power Supply System
 R. P. NAME RECIPIENT AFFILIATION
 Document Control Branch (Document Control Desk)

SUBJECT: Forwards proprietary info which supplements response to violations noted in insp rept 50-397/97-11. Encl withheld, per 10CFR2.790(b).

DISTRIBUTION CODE: IEP1D COPIES RECEIVED: LTR 1 ENCL 1 SIZE: 6 + 16
 TITLE: Dkt 50 Insp Rpt, etc.- Proprietary Enclosure

NOTES:

RECIPIENT ID CODE/NAME	COPIES LTTR ENCL	RECIPIENT ID CODE/NAME	COPIES LTTR ENCL
PD4-2 LA	1 0	PD4-2 PD	1 0
COLBURN, T	1 0		
INTERNAL: ACRS	2 0	AEOD/DOA	1 1
FILE CENTER	1 1	NRR/DISP/PIPB	1 1
NRR/DISP/PSIB	1 1	NUDOCS-ABSTRACT	1 1
OE DIR	1 1	OGC/HDS3	1 0
RES	1 0	RES/DET/EIB	1 1
RGN4 FILE 01	1 1		

EXTERNAL: NOAC

*sw/out
prep*

NRC PDR

*sw/out
prep*

NOTE TO ALL "RIDS" RECIPIENTS:

PLEASE HELP US TO REDUCE WASTE. TO HAVE YOUR NAME OR ORGANIZATION REMOVED FROM DISTRIBUTION LISTS OR REDUCE THE NUMBER OF COPIES RECEIVED BY YOU OR YOUR ORGANIZATION, CONTACT THE DOCUMENT CONTROL DESK (DCD) ON EXTENSION 415-2083

TOTAL NUMBER OF COPIES REQUIRED: LTTR 17 ENCL 10

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 • Richland, Washington 99352-0968

September 30, 1997
GO2-97-180

Docket No. 50-397

U. S. Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20555

Gentlemen:

Subject: WNP-2 OPERATING LICENSE NPF-21
NRC INSPECTION 50-397/97-11
FOURTH SUBMITTAL OF ADDITIONAL INFORMATION

Reference: Letter GO2-97-130 dated June 25, 1997, DA Swank (Supply System) to NRC,
"NRC Inspection 97-11, Third Submittal of Additional Information"

Additional information to supplement the Supply System's response to NRC Inspection 50-397/97-11 Issue 3 was provided in the reference letter. In accordance with the commitment made in that submittal, the Supply System has expanded the CPR data matrix used to obtain the US96A7 correlation. The supplementary matrix evaluation is attached.

Some of the information contained in the attachment has been identified as proprietary to ABB Combustion Engineering. In accordance with the requirements of 10 CFR 2.790(b), 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 contact Mr. P.J. Inserra at (509) 377-4147.

Respectfully,

D.W. Coleman

D.W. Coleman (Mail Drop PE20)
Acting Manager, Regulatory Affairs

CL... 11/11/97
PDR
NOAC



Attachment

cc: EW Mershoff - NRC RIV
KE Perkins, Jr. - NRC RIV, WCFO
TG Colburn - NRR
DL Williams - BPA
NRC Resident Inspector - 927N
PD Robinson - Winston & Strawn

J March-Leuba - ORNL
J Cuta - PNL
LE Phillips - NRR
T Huang - NRR
JE Whittemore - NRC RIV

9710070210 970930
PDR ADDCK 05000397
Q PDR

AFFIDAVIT

STATE OF WASHINGTON)
COUNTY OF BENTON)

Subject: NRC Inspection 50-397/97-11,
Fourth Submittal of Additional
Information

I, D.W.Coleman, 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 Mr. I.C. Rickard, Director, Operations Licensing, for ABB Combustion Engineering, dated September 25, 1997, 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 its 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 Sept. 30, 1997

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

On this date personally appeared before me D.W. 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 30th day of September 1997.

Ken C. Mij
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, I.C. Rickard, depose and say that I am the Director, Operations 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 conjunction with the application of 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:

Attachment to ABBWP-97-091, "Further Evaluation of US96A7 CPR Correlation", September 26, 1997.

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 information concerning analysis methodology details and calculated results for simulating the critical power ratio performance of non-ABB fuel for determining the Operating Limit Minimum Critical Power Ratio.

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 pressurized water reactor competitors of Combustion Engineering.
 - b. Development of this information by Combustion Engineering required tens of thousands of dollars and thousands 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 the analysis methodology details and calculated results for simulating the critical power ratio performance of non-ABB fuel for determining the Operating Limit Minimum Critical Power Ratio.
- d. The information consists of analysis methodology details and calculated results for simulating the critical power ratio performance of non-ABB fuel for determining the Operating Limit Minimum Critical Power Ratio, 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, 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's potential for obtaining or maintaining foreign licensees.

Further the deponent sayeth not.



I.C. Rickard, Director
Operations Licensing

Sworn to before me
this 25th day of September, 1997



Notary Public

My commission expires: 8/31/99

