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 FACIL:STN-50-528 Palo Verde Nuclear Station, Unit 1, Arizona Publi 05000528
 AUTH.NAME AUTHOR AFFILIATION
 VAN BRUNT,E.E. Arizona Nuclear Power Project (formerly Arizona Public Serv
 RECIP.NAME RECIPIENT AFFILIATION
 Document Control Branch (Document Control Desk)

SUBJECT: Requests retrieval of previously distributed rept "Fuel
 Surveillance Test Results." Rept considered proprietary.

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Arizona Nuclear Power Project

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161-01070-EEVB/BJA
June 3, 1988

Docket No. STN 50-528

Document Control Desk
U.S. Nuclear Regulatory Commission
Mail Station P1-137
Washington, D.C. 20555

Reference: Letter from E. E. Van Brunt, Jr., ANPP, to USNRC
Document Control Desk, dated January 8, 1988.
(161-00730-EEVB/LJM). Subject: Fuel Surveillance
Test Results.

Dear Sirs:

Subject: Palo Verde Nuclear Generating Station (PVNGS)
Unit 1
Proprietary Report - Fuel Surveillance Test Results
File: 88-B-056-026

The referenced letter transmitted the results of the fuel assembly shoulder gap measurements and the Control Element Assembly (CEA) guide tube wear surveillance program for PVNGS Unit 1. The results were provided in an attachment to the referenced letter. The attachment was titled "Fuel Surveillance Test Results for PVNGS Unit 1 Cycle 2 EOC". This attachment was prepared by Combustion Engineering for ANPP. Combustion Engineering has informed ANPP that this attachment contains trade secrets and commercial information that must be considered proprietary. ANPP transmitted this report to the NRC as non-proprietary information.

To correct this situation, ANPP requests that the NRC take the necessary steps to ensure that this previously submitted document is handled as proprietary information (note that only the attachment to the referenced letter contains proprietary information) and that any previously distributed copies of the document be retrieved so that the document can be properly controlled. In accordance with the provisions of 10CFR2.790 we have attached an affidavit attesting to the proprietary nature of the referenced letter.

A001
1/1

Letter to: NRC Document Control Desk

From: E. E. Van Brunt, Jr.

Subject: Proprietary Report - Fuel Surveillance Test Results

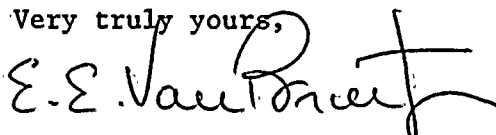
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June 3, 1988

If you have any additional questions on this matter, please contact Mr. A. C. Rogers at (602) 371-4041.

Very truly yours,



E. E. Van Brunt, Jr.
Executive Vice President
Project Director

EEVB/BJA/pvk

Attachment

cc: G. W. Knighton (all w/a)

M. J. Davis

T. J. Polich

J. B. Martin

A. C. Gehr

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

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

I, P. L. McGill, depose and say that I am the Vice President, Nuclear Fuel, 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 the application of the Arizona Nuclear Power Project for withholding this information.

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

"Palo Verde Nuclear Generating Station (PVNGS) Unit 1 Fuel Surveillance Test Results," Letter to U. S. Nuclear Regulatory Commission from E. E. Van Brunt, Jr., 161-00730-EEVB/LJM, 1/8/88, (Attachment thereto).

This document contains C-E proprietary information.

I have personal knowledge of 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 are methods and specific results of inspections which reveal the mechanical performance of the S-80 fuel assemblies, which is owned and has been held in confidence by Combustion Engineering.
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 1, 1974. This system was applied in determining that the subject document 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 held 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 agreement 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 C-E required hundreds of man hours and tens of thousands of dollars. To the best of my knowledge and believe 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 measurement techniques and standards and design criteria in order to acquire similar information.

d. The information required significant effort and expense to obtain the licensing approvals necessary for application of the information. Avoidance of this expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable.


e. The information consists of methods and specific results of inspections which reveal both the mechanical performance of S-80 fuel assemblies and design criteria and margins, 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.

f. 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.

g. 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.


P. L. McGill
Vice President
Nuclear Fuel

Sworn to before me
this 2nd day of June, 1988.


Notary Public

SUSANNE SMITH, NOTARY PUBLIC
State of Connecticut No. 74148
Commission Expires March 31, 1990