

# CATEGORY 1

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 AUTH. NAME                      AUTHOR AFFILIATION  
 RICKARD, I.C.                    ABB Combustion Engineering Nuclear Fuel (formerly Combustio  
 RECIP. NAME                      RECIPIENT AFFILIATION  
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SUBJECT: Discusses licensing approach for insertion of lead fuel  
 assemblies in plant. Six copies of meeting presentation mals  
 encl.

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1. VANDERBILT



3 July, 1996  
LD-96-025

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

**Subject: ABB-CE Advanced Fuel Development Program, Palo Verde Unit 3  
Implementation - Meeting Presentation Materials (Contains Proprietary  
Information)**

Dear Sir:

On July 3, 1996, ABB Combustion Engineering (ABB-CE) met with members of the Nuclear Regulatory Commission (NRC) staff to discuss the licensing approach for insertion of Lead Fuel Assemblies in Palo Verde Unit 3; which constitute a sub-element of ABB-CE's overall Advanced Fuel Development Program. Provided herewith (Enclosure I) for your information and use are six (8) copies of the meeting presentation materials.

ABB-CE considers the meeting presentation materials to be proprietary in nature. It is requested that the copies of the meeting presentation materials contained in Enclosure I be withheld from public disclosure in accordance with the provisions of 10 CFR 2.790 and that these copies be appropriately safeguarded. The reasons for the classification of this information as proprietary are delineated in the affidavit provided in Enclosure II.

If you have any questions regarding this matter, please do not hesitate to call me at (860) 285-9678.

Very truly yours,  
COMBUSTION ENGINEERING, INC.

*Ian G. Rickard*  
Ian. G. Rickard, Director  
Operations Licensing

Enclosures: As stated

xc: S. L. Magruder, Jr. (NRC)

*Stu Magruder Jr. Atty Gen*  
*TO/IO Add: RES/DSIR/EIB*  
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ABB Combustion Engineering Nuclear Power

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# **ABB COMBUSTION ENGINEERING**

**Proprietary Affidavit**

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 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:

Enclosure I to LD-96-025 - Advanced Fuel Development Program - Implementation at Palo Verde Unit 3, July 3, 1996

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 regarding planning, development and licensing activities for ABB Combustion Engineering advanced fuel designs.
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 millions 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 obtain information regarding planning, development and licensing activities for ABB Combustion Engineering advanced fuel designs.
  - d. The information consists of planning, development and licensing activities for ABB Combustion Engineering advanced fuel designs, 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.

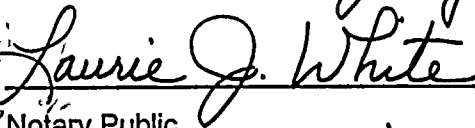
- e. In pricing Combustion Engineering's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of Combustion Engineering's competitors to utilize such information without 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 2<sup>nd</sup> day of July, 1996

  
Laurie J. White

Notary Public

My commission expires: 8/31/99

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