

BALTIMORE GAS AND ELECTRIC COMPANY

GAS AND ELECTRIC BUILDING
BALTIMORE, MARYLAND 21203

March 5, 1979

ARTHUR E. LUNDVALL, JR.
VICE PRESIDENT
SUPPLY

Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attn: Mr. Robert W. Reid, Chief
Operating Reactors Branch #4
Division of Operating Reactors

Subject: Calvert Cliffs Nuclear Power Plant
Unit No. 1, Docket No. 50-317
Supplement No. 1 to Fourth Cycle
Reload Amendment Application

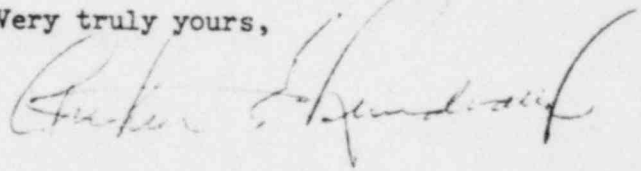
Reference: BG&E letter dated 2/23/79 from A. E. Lundvall, Jr.
to R. W. Reid, Fourth Cycle License Application

Gentlemen:

The referenced letter, which forwarded our application for an amendment to Operating License DPR-53 to allow operation of Calvert Cliffs Unit No. 1 for the fourth cycle, is hereby supplemented by the following attached documents:

- 1. CEN-105(B)-P (Supplement 1-P to B-PH 627), "Report of a Reconstitutable - B₁C Type CEA Design for use in the BG&E Reactor" (proprietary - 40 copies 000011-000050).
- X CEN-105(B)-NP: Non-Proprietary Version of above document (20 copies).
- 3. Signed Affidavit from Combustion Engineering supporting a request for proprietary handling of attachment (1) above pursuant to 10 CFR Part 2 Paragraph 2.790 (40 copies).

Very truly yours,



cc - J. A. Biddison, Esquire (W/Attach. 2,3)
G. F. Trowbridge, Esquire (W/Attach. 2,3)
Messrs. E. L. Conner, Jr. (W/Attach. 1,2,3) (10-1)
P. W. Kruse (W/Attach 3)

7903080331

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

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

I, A. E. Scherer depose and say that I am the Manager, 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 and in conjunction with the application of Baltimore Gas and Electric Company, for withholding this information.

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

Supplement 1 to B-PH 627 Entitled CEN105(B)-P Report of a Reconstitutable -
B₄C Type CEA Design for use in the B.G.&E Reactor
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.

manmanmanman

1. The information sought to be withheld from public disclosure is the mechanical design analysis of a new stainless steel clad - B₄C type control element assembly, 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 a 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 documents herein are 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 reactors competitors of Combustion Engineering.

b. Development of this information by C-E required hundreds of man-hours of effort and tens of thousands of dollars. To the best of my knowledge and belief 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 related to obtaining access to test reactor facilities and conducting extensive testing.

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 design information, 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.

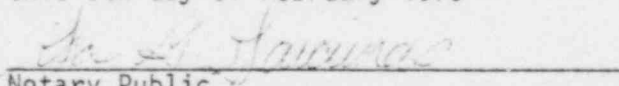


A. E. Scherer

Manager, Licensing

Sworn to before me

this 9th day of February 1979



Notary Public

LISA B. WATSON, NOTARY PUBLIC

State of Connecticut No. 57102

Commission Expires March 31, 1983