



Docket No. STN 50-470F

April 11, 1983  
LD-83-031

Mr. Cecil O. Thomas, Chief  
Standardization and Special Projects Branch  
Division of Licensing  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Subject: Responses to Questions on System 80™ CPC, Open Item 1

References: (A) Letter, C. O. Thomas to A. E. Scherer, dated January 31, 1983  
(B) Letter LD-82-039, A. E. Scherer to D. G. Eisenhut, dated March 30, 1982

Dear Mr. Thomas:

Reference (A) transmitted to Combustion Engineering (C-E) a set of questions requesting additional information on the CESSAR-F docket. The questions address our submittal, Reference (B) describing the Core Protection Calculators and Reactor Power Cutback System (CPC/RPCS) for CESSAR-F. Enclosed are 25 proprietary and 15 non-proprietary copies of C-E's response to these questions.

Due to the proprietary nature of the material contained in the enclosure, we request that it be withheld from public disclosure in accordance with the provisions of 10 CFR 2.790 and that this material be safeguarded. The reasons for the proprietary classification of these reports are delineated in the enclosed affidavit.

If I can be of any further assistance in this matter, please contact me or Mr. G. A. Davis of my staff at (203) 688-1911, extension 2803.

Very truly yours,

COMBUSTION ENGINEERING, INC.

A. E. Scherer  
Director  
Nuclear Licensing

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15 Non-Prop

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cc: Gary Meyer (Project Manager/USNRC)

Enclosures: 1-P to LD-83-031, "Response to NRC Questions Regarding System 80™ CPC/RPCS", Proprietary Version (Copies 0001-0025)

1-NP to LD-83-031, "Response to NRC Questions Regarding System 80™ CPC/RPCS", Non-Proprietary Version, 15 copies

Affidavit attesting to the proprietary nature of this report

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 Director, Nuclear 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 1-P to LD-83-031, "Responses to NRC Questions Regarding System 80™ CPC/RPCS".

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 are the CPC/DNBR algorithm, software modifications, and setpoint values 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 document 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 reactor competitors of Combustion Engineering.

b. Development of this information by C-E required tens of thousands of manhours and hundreds 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 developing and evaluating a CPC/DNBR algorithm and related software.


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 the CPC/DNBR algorithm and software modifications, and setpoint values 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  
Director  
Nuclear Licensing

Sworn to before me

this 11<sup>th</sup> day of APRIL, 1983

Musan M. Thompson  
Notary Public

my commission expires 3/31/88