

Omaha Public Power District

1623 HARNEY ■ OMAHA, NEBRASKA 68102 ■ TELEPHONE 536-4000 AREA CODE 402

February 18, 1983

LIC-83-047

Mr. Robert A. Clark, Chief
U. S. Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Division of Licensing
Operating Reactors Branch No. 3
Washington, D.C. 20555

Reference: Docket No. 50-285

Dear Mr. Clark:

Fort Calhoun Station
Cycle 8 Reload Application

Your letter to Omaha Public Power District dated February 1, 1983 requested additional information in support of the subject application. Please find attached the District's responses to Part A of your request. Our responses to Part B of your request will be provided by February 25, 1983.

Please note that pursuant to 10 CFR 2.790(b)(1) certain portions of the attached information has been deemed trade secrets and/or privileged commercial information by Combustion Engineering, Inc. (CE). Accordingly, please find attached the District's application for withholding this information from public disclosure as well as CE's affidavit in support of the application.

Sincerely,

W. C. Jones
Division Manager
Production Operations

WCJ/TLP:jmm

Attachment

cc: LeBoeuf, Lamb, Leiby & MacRae
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

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Limited Dist

BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

OMAHA PUBLIC POWER DISTRICT
(Fort Calhoun Station,
Unit No. 1)

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Docket No. 50-285

APPLICATION FOR
WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE

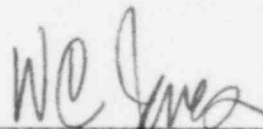
Pursuant to Section 2.790(b)(1) of the regulations of the Nuclear Regulatory Commission ("the Commission"), Omaha Public Power District ("the District") submits this application to withhold certain information from public disclosure. Applicant has been informed by Combustion Engineering, Inc. (CE) that this information is owned by CE and that in the opinion of CE the information in question contains trade secrets and/or privileged or confidential commercial or financial information.

An attached affidavit executed by CE identifies the documents sought to be withheld and sets forth the bases on which the information may be withheld from public disclosure by the Commission. The affidavit also addresses the considerations listed in Paragraph (b)(4) of Section 2.790 with specificity.

Respectfully submitted,

OMAHA PUBLIC POWER DISTRICT

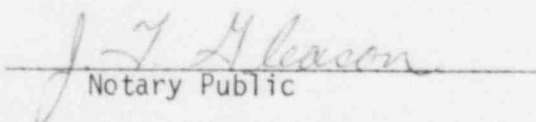
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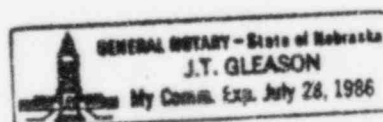


W. C. Jones
Division Manager
Production Operations

Sworn to before me on this

18TH day of FEBRUARY, 1983.


Notary Public



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 and in conjunction with the application of Omaha Public Power District, for withholding this information.

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

CEN-242(0)-P OPPD Responses to NRC Questions on Ft. Calhoun Cycle 8, February 18, 1983.

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 design calculational methods, transient analysis methods and procedures for setpoint generation, 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 reactors competitors of Combustion Engineering.

b. Development of this information by C-E required tens of thousands of manhours of effort 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 related to the development of design calculational methods, transient analysis methods and procedures for setpoint generation.

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.

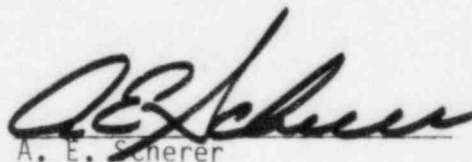
e. The information consists of design calculational methods, transient analysis methods and procedures for setpoint generation, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete 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 21 day of Feb. 1983


~~Notary Public~~
Justice of the Peace