

Omaha Public Power District
1623 Harney Omaha, Nebraska 68102
402/536-4000

November 30, 1983
LIC-83-300

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

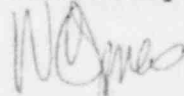
Reference: Docket No. 50-285

Dear Mr. Miller:

Statistical Combination of Uncertainties
Report in Support of the Fort Calhoun
Station Cycle 9 Reload Submittal

The above report was submitted to the Commission by Omaha Public Power District on November 11, 1983. The attached affidavit was inadvertently omitted from that submittal. Please include this affidavit with the District's November 11, 1983 letter (LIC-83-283).

Sincerely,



W. C. Jones
Division Manager
Production Operations

WCJ/JCB:jmm

Attachment

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

Mr. E. G. Tourigny, Project Manager
Mr. L. A. Yandell, Senior Resident
Inspector

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AFFIDAVIT PURSUANT

TO 10 CFR 2.790

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

I, J. M. West, depose and say that I am the Vice President Nuclear Power Systems, 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-257(0)-P, Statistical Combination of Uncertainties.

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 methods of developing uncertainty distributions, limiting values of thermal hydraulic variables, and net uncertainties to be applied in the development of setpoints and technical specifications, 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 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 to develop methods related to uncertainty distributions and thermal hydraulic variables as applied to setpoints and technical specifications.

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.

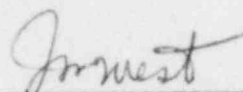
e. The information consists of statistical methods used to combine uncertainties in the development of setpoints and technical specifications, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product 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.

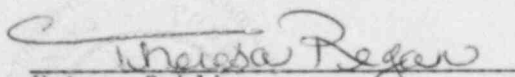
Further the deponent sayeth not.



J. M. West
Vice President
Nuclear Power Systems

Sworn to before me

this 8th day of November, 1983


Notary Public

THERESA M. REGAN, NOTARY PUBLIC
STATE OF CONNECTICUT NO. 66097
COMMISSION EXPIRES MARCH 31, 1988