ABB

October 24, 1996
LD-96-046

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

Subject: Response to NRC Request for Additional Information Regarding CENPD-137, Supplement 2-P (Contains Proprietary Material)

References: 1) Letter, C. B. Brinkman (ABB-CE) to Document Control Desk, "Revisions to Small Break LOCA Evaluation Model," LD-96-017, May 23, 1996

2) Letter, S. L. Magruder (NRC) to C. B. Brinkman (ABB-CE), "Request for Additional Information Regarding CENPD-137, Supplement 2-P," October 1, 1996

Dear Sir:

Via Reference 1, ABB Combustion Engineering (ABB-CE) submitted to the Nuclear Regulatory Commission (NRC) a supplement to its Small Break Loss-of-Coolant Accident (SBLOCA) Evaluation Model for review and approval. A request for additional information for this review was received via Reference 2. Enclosure I to this letter provides ABB-CE's response to this request.

ABB-CE considers the response provided in Enclosure I to be proprietary in nature. It is requested that the copies of the response 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 Ernie Jageler at (860) 285-2289 or Chuck Molnar at (860) 285-5205.

Sincerely yours,

Philip Hunter FOR

Ian C. Rickard, Director
Operations Licensing

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Enclosures: As Stated

cc: S. L. Magruder (NRC)

ABB Combustion Engineering Nuclear Systems

Combustion Engineering, Inc. 2000 Day Hill Road P.O. Box 500 Windsor, CT 06095-0500 Telephone (860) 688-1911 Fax (860) 285-5203

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

I, Philip J. Curtis, depose and say that I am the Vice President, Engineering Operations, 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-96-046, "Response to NRC Request for Additional Information Regarding CENPD-137, Supplement 2-P," October 24, 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

responses to the NRC questions regarding Combustion Engineering's methodologies and computer codes for Small Break Loss-of-Coolant Accident Emergency Core Cooling System performance analyses.

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 thousands of dollars and hundreds 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 develop and justify equivalent Small Break Loss-of-Coolant Accident Evaluation Model features.

d. The information consists of responses to the NRC questions regarding Combustion Engineering's methodologies and computer codes for Small Break Loss-of-Coolant Accident Emergency Core Cooling System performance analyses, 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.

Philip J. Curtis, Vice President
Engineering Operations

Sworn to before me
this 24th day of October, 1996

Laurie J. White
Notary Public

My commission expires: 8/31/99

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