

# COMBUSTION ENGINEERING

January 20, 1988  
LD-88-006

Mr. James A. Norberg, Special Assistant  
Division of Engineering and System Technology  
Office of Nuclear Reactor Regulation  
c/o Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Subject: CEN-330-P-A; Transmittal

References: (A) Letter, D. M. Crutchfield (NRC) to A. E. Scherer  
(C-E), dated August 12, 1986  
(B) Letter, LD-87-045, A. E. Scherer (C-E) to A. C.  
Thadoni (NRC), dated August 19, 1987

Dear Mr. Norberg:

In Reference (A), Mr. D. M. Crutchfield transmitted NRC approval of the subject topical report and requested that Combustion Engineering publish the accepted version in accordance with the procedures established in NUREG-0390. Combustion Engineering has completed production and transmits herewith twenty-three (23) copies each (numbered 00001-00023) of the proprietary version and twelve (12) copies each of the non-proprietary version.

Reference (B) describes changes that have been made to the list of constants contained in CEN-330-P. These changes were discussed with the NRC reviewers and it was subsequently agreed that no additional NRC review was necessary. All changes discussed have been incorporated into the attached accepted version. As agreed, a copy of Reference (B) has been added to the front of CEN-330-P-A immediately behind Reference (A).

This report contains information considered by Combustion Engineering to be proprietary. As such, it is requested that it be withheld from public disclosure in accordance with the provisions of 10 CFR 2.790 and that it be safeguarded accordingly. An affidavit attesting to its proprietary nature is attached.

Power Systems  
Combustion Engineering, Inc.

1000 Prospect Hill Road  
Post Office Box 500  
Windsor, Connecticut 06095-0500

(203) 688-1911  
Telex: 99297

8801280559 880120  
PDR TOPRP EMVC-E  
C

*Two Rids*  
*T007 1/23 Prop*  
*T008 1/12 Non Prop*

Mr. James A. Norberg  
January 20, 1988

LD-88-006  
Page 2

Should you have any questions, please feel free to contact me or  
Mr. L. E. Philpot of my staff at (203) 285-5210.

Very truly yours,

COMBUSTION ENGINEERING, INC.

A handwritten signature in dark ink, appearing to read "A. E. Scherer".

A. E. Scherer  
Director  
Nuclear Licensing

AES:ss  
Attachments: As Stated

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:

CEN-330-P-A, CPC/CEAC Software Modifications for the CPC Improvement Program Reload Data Block, October, 1987.

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 the reload data block feature of the core protection calculators, 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 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 man hours 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 in the development of a reload data block feature for the core protection calculators.

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.

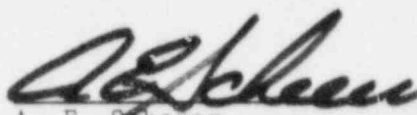
e. The information consists of the reload data block feature of the core protection calculators, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Combustion Engineering, 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.

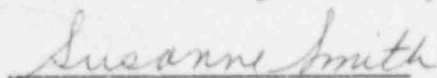
g. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on Combustion Engineering's potential for obtaining or maintaining foreign licensees

Further the deponent sayeth not.



A. E. Scherer  
Director  
Nuclear Licensing

Sworn to before me  
this 20<sup>th</sup> day of January, 1988.

  
Notary Public

SUSANNE SMITH, NOTARY PUBLIC  
State of Connecticut No. 74148  
Commission Expires March 31, 1990