



Westinghouse Electric Company
CE Nuclear Power LLC

2000 Day Hill Road
Windsor, CT 06095
USA

2 June 2000
LD-2000-0031

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

**SUBJECT: SUBMITTAL OF CROSSFLOW TOPICAL REPORT "-A" APPROVED VERSION
{ENCLOSURE CONTAINS PROPRIETARY INFORMATION}**

- Reference(s): 1) NRC Letter, S. A. Richards (NRC) to I. C. Rickard (ABB CENP), "Acceptance For Referencing Of CENPD-397-P, Revision-01-P, "Improved Flow Measurement Accuracy Using CROSSFLOW Ultrasonic Flow Measurement Technology" (TAC No. MA6452)", March 20, 2000
- 2) Letter, I. C. Rickard (ABB CENP) to USNRC Document Control Desk, "Submittal of CENPD-397-P, Rev. 01 – Improved Flow Measurement Accuracy Using Crossflow Ultrasonic Flow Measurement Technology", LD-2000-0002, January 6, 2000

By letter dated March 20, 2000 (Reference 1), the Nuclear Regulatory Commission (NRC) issued its Safety Evaluation Report (SER) for the CE Nuclear Power LLC (CENP) topical report CENPD-397-P, Rev. 01, "Improved Flow Measurement Accuracy Using CROSSFLOW Ultrasonic Flow Measurement Technology" submitted on January 6, 2000 (Reference 2). In accordance with the SER and NUREG-0390, CENP herewith submits 15 copies (Nos. 1 to 15) of the "-A" accepted version of the topical report, CENPD-397-P-A, Rev. 01, for NRC use. CENP is also providing herewith 12 non-proprietary versions, CENPD-397-NP-A, Rev. 01.

Note, during the period between the NRC SER issuance and this approved topical report version submittal, the original submitting company has undergone a name change. ABB Combustion Engineering Nuclear Power, Inc. (ABB CENP) has become CE Nuclear Power LLC. Accordingly, references to the former name have been replaced by the new name in the approved version of the topical report (i.e., CENPD-397-P-A, Rev. 01 and CENPD-397-NP-A, Rev. 01).

CENP has determined that topical report CENPD-397-P-A, Rev. 01 contains information that is proprietary in nature. Consequently, it is requested that the topical report 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 Attachment 1.

T008 / 12

If you have any questions regarding this matter, please do not hesitate to call Chuck Molnar of my staff at (860) 285-5205.

Very truly yours,

CE NUCLEAR POWER LLC



Ian C. Rickard, Director
Nuclear Licensing

Attachment(s): Proprietary Affidavit for CENPD-397-P-A, Rev. 01

- Enclosure(s): 1) CENPD-397-P-A, Rev. 01 – Improved Flow Measurement Accuracy
Using Crossflow Ultrasonic Flow Measurement Technology, May 2000
(15 copies)
- 2) CENPD-397-NP-A, Rev. 01 – Improved Flow Measurement Accuracy
Using Crossflow Ultrasonic Flow Measurement Technology, May 2000
(12 copies)

xc: (w/o Enclosures)

J. S. Cushing (NRC)

CE Nuclear Power LLC

Proprietary Affidavit Supporting

TOPICAL REPORT CENPD-397-P-A, REV. 01

**Improved Flow Measurement Accuracy Using
CROSSFLOW Ultrasonic Flow Measurement Technology**

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

I, Ian C. Rickard, depose and say that I am the Director, Nuclear Licensing, of CE Nuclear Power LLC (CENP), 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:

CENPD-397-P-A, Rev.01 - Improved Flow Measurement Accuracy Using
CROSSFLOW Ultrasonic Flow Measurement
Technology, May 2000

This document has been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by of CENP 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 CENP. It consists of CROSSFLOW UFM System theoretical development, design, testing, validation and installation information.
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 CENP.
3. The information is of a type customarily held in confidence by CENP and not customarily disclosed to the public. CENP 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 that 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 CENP because:
 - a. A similar product is manufactured and sold by major pressurized and/or boiling water reactor competitors of CENP.
 - b. Development of this information by CENP required hundreds of thousands of dollars and hundreds of man-hours 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 a CROSSFLOW UFM System theoretical development, design, testing, validation and installation information.
 - d. The information consists of CROSSFLOW UFM System theoretical development, design, testing, validation and installation information, 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 CENP, take marketing or other actions to improve their product's position or impair the position of CENP's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
 - e. In pricing CENP's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of CENP'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, nuclear fuel, analyses or other support services by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on CENP's potential for obtaining or maintaining foreign licensees.

Further the deponent sayeth not.



Ian C. Rickard
Director, Nuclear Licensing

Sworn to before me
this 2nd day of June, 2000

Catherine P. Mc Carthy

Notary Public

My commission expires: 1/31/03