

April 8, 2003

Mr. Gary Pavis
Chairman, Combustion Engineering Owners Group
Constellation Energy Group
Calvert Cliffs Nuclear Power Plant, Inc.
P.O. Box 1635
Lusby, MD 20657-4702

SUBJECT: COMBUSTION ENGINEERING OWNERS GROUP - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Pavis:

By letter dated December 13, 2002, the Combustion Engineering Owners Group (CEOG) submitted an affidavit dated December 12, 2002, executed by Ian C. Rickard, requesting that the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

WCAP-15996-P, Revision 0, "Technical Description Manual for the CENTS Code"

"Roadmap for WCAP-15996-P, Technical Description Manual for the CENTS Code"

A nonproprietary copy of the topical report has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a. A similar product or service is provided by major competitors of WEC [Westinghouse Electric Company].
- b. WEC has invested substantial funds and engineering resources in the development of this information. A competitor would have to undergo similar expense in generating equivalent information.
- c. The information consists of enhanced safety analysis methodologies for the evaluation of non-LOCA transients, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to design their product to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.

- d. In pricing WEC's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to see at prices reflecting significantly lower costs.
- e. Use of the information by competitors in the international marketplace would increase their ability to market a comparable product, reducing the costs associated with their technology development.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, we have determined that WCAP-15996-P, Revision 0, "Technical Description Manual for the CENTS Code" and "Roadmap for WCAP-15996-P, Technical Description Manual for the CENTS Code," marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at (301) 415-1436.

Sincerely,

/RA/

Drew Holland, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 692

cc: See next page

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CE Owners Group

Project No. 692

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