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 UHRIG, R.E. Florida Power & Light Co.
 RECIP. NAME RECIPIENT AFFILIATION
 EISENHUT, D.G. Division of Licensing

DOCKET #
05000389

SUBJECT: Forwards proprietary "Response to NRC Questions on Implementation of St Lucie Unit 2 Rod Bow & Grid Spacing Penalties" to resolve SER (NUREG-0843). Rept withheld (ref 10CFR2.790).

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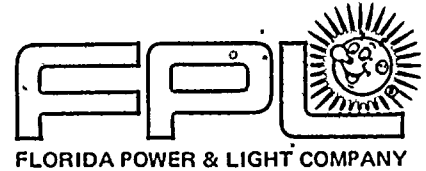
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October 25, 1982
L-82-450

Office of Nuclear Reactor Regulation
Attention: Mr. Darrell G. Eisenhut, Director
Division of Licensing
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Eisenhut:

Re: St. Lucie Unit 2
Docket No. 50-389
Implementation of Rod Bow and
Grid Spacing Penalties

In response to the action items identified in Sections 4.4.2.1 and 4.4.3.1 of the St. Lucie Unit 2 Safety Evaluation Report (NUREG 0843), enclosed is Combustion Engineering's proprietary report, "Response to NRC Questions on Implementation of St. Lucie 2 Rod Bow and Grid Spacing Penalties", CEN-221 (L) - P, Combustion Engineering, Inc., October 1982. This report should be provided to D. Powers and L. Phillips.

The enclosure to this letter is proprietary, and therefore, it is requested that the enclosure be withheld from public disclosure in accordance with 10 CFR 2.790.

If you should have any questions concerning the proprietary nature of the enclosed material, please address the questions directly to, Mr. A. E. Scherer, Director of Licensing (9438-1922), Combustion Engineering, 1000 Prospect Hill Road, Windsor, CT 06095, and forward a copy to Florida Power and Light Company.

Very truly yours,

Robert E. Uhrig
Vice President
Advanced Systems & Technology

REU/RJS/cab

Enclosures: Copies 00001 to 00005 - CEN-221(L)-P

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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 and in conjunction with the application of Florida Power and Light Company, for withholding this information.

The information for which proprietary treatment is sought is contained in the following document:

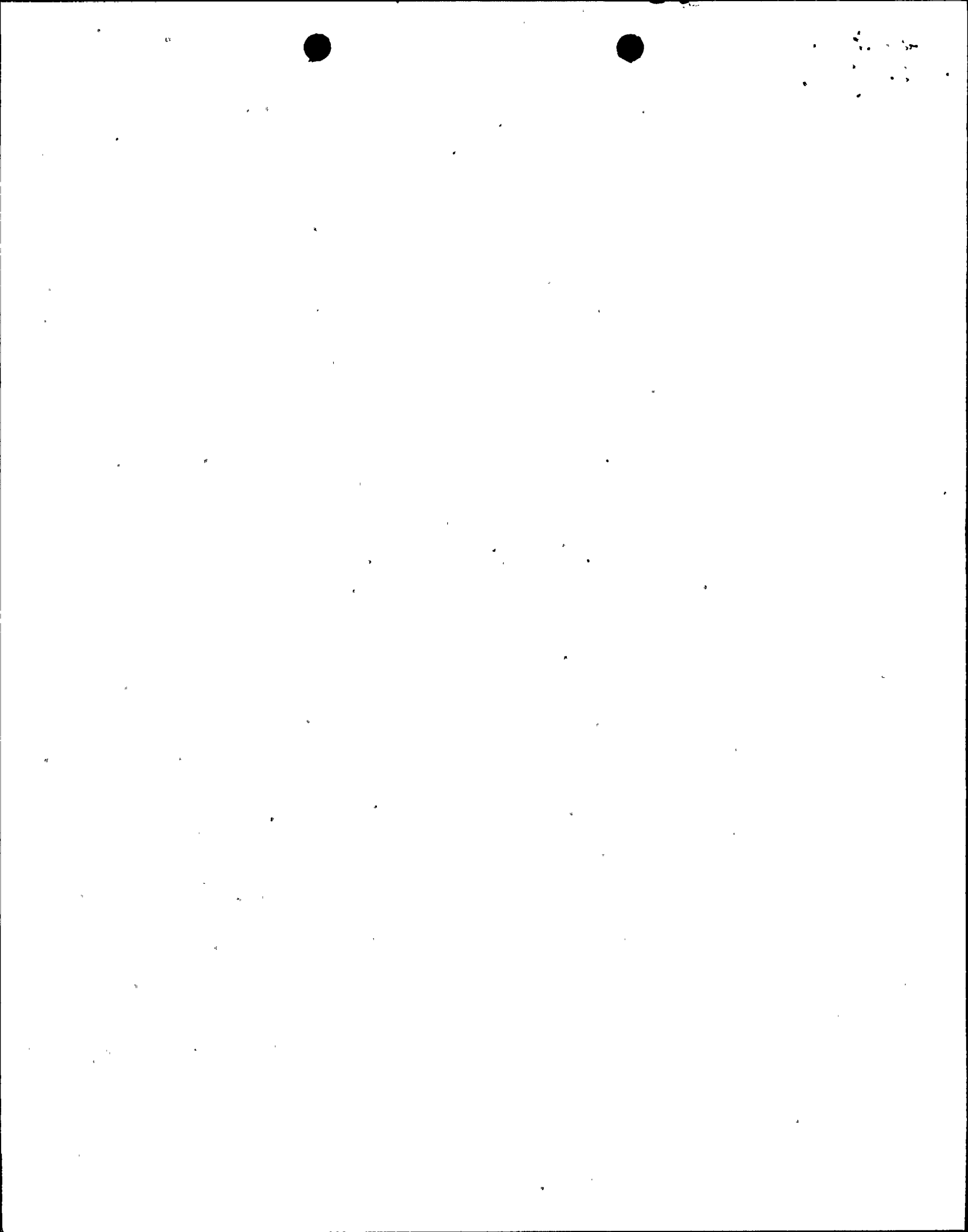
"Response to NRC Questions on Implementation of St. Lucie 2 Rod Bow and Grid Spacing Penalties", CEN-221(L)-P, October 1982.

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 sensitivity of the design thermal margin model, TORC, to input parameters, 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 reactors competitors of Combustion Engineering.

b. Development of this information by C-E required thousands of manhours 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.



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c. In order to acquire such information, a competitor would also require considerable time and inconvenience to determine the sensitivity of the design thermal margin model, TORC, to input parameters.

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 sensitivity of the design thermal margin model, TORC, to input parameters, 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.

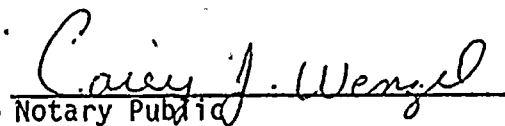
Further the deponent sayeth not.



A. E. Scherer
Director
Nuclear Licensing

Sworn to before me

this 15th day of October, 1982


Notary Public

CAREY J. WENZEL, NOTARY PUBLIC
State of Connecticut No. 59962
Commission Expires March 31, 1985

STATE OF FLORIDA)
) ss.
COUNTY OF DADE)

J. A. DeMastry, being first duly sworn, deposes and says:

That he is Manager, Nuclear Licensing of Florida Power & Light Company, the Licensee herein;

That he has executed the foregoing document; that the statements made in this document are true and correct to the best of his knowledge, information, and belief, and that he is authorized to execute the document on behalf of said Licensee.

All of the enclosed material is proprietary, and therefore, exempt from public disclosure in accordance with Section 2.790 of the NRC "Rules of Practice", Title 10, Code of Federal Regulations.

J. A. DeMastry
J. A. DeMastry

Subscribed and sworn to before me this

25 day of October, 1982.

Cheryl I. Fredrick
NOTARY PUBLIC, in and for the County
of Dade, State of Florida.

My commission expires: Notary Public, State of Florida at Large
My Commission Expires October 30, 1983
Bonded thru Maynard Bonding Agency

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