



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 30, 1999

Mr. T. Rodack, Director
Mechanical Design and Advanced Projects
(Nuclear Fuels)
ABB Combustion Engineering Nuclear Power, Inc.
P.O. Box 500
2000 Day Hill Road
Windsor, CT 06095-0500

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Rodack:

By letter dated August 2, 1999, Washington Public Power Supply System (now known as Energy Northwest) submitted additional information on minimum critical power ratio (MCPR) safety limits for WNP-2 Cycle 15 operation in response to written and verbal requests from the NRC staff and requested that the information be withheld from public disclosure pursuant to 10 CFR 2.790.

An affidavit dated July 30, 1999, from ABB Combustion Engineering (ABB CENP), the owner of the information was included in the application. ABB CENP states that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- "6. a. A similar product is manufactured and sold by major competitors of ABB CENP.
- b. Development of this information by ABB CENP required tens of 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 methods regarding Safety Limit calculations and Critical Power Ratio correlations.
- d. The information consists of material regarding Safety Limit and Critical Power Ratio correlations, 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 ABB CENP, take marketing or other actions to improve their product's position or impair the position of ABB CENP's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
- e. In pricing ABB 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 ABB CENP's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

1/0
DFO3

AA3

9909100040 990830
PDR ADOCK 05000397
P PDR

NRC FILE CENTER COPY

29



T. Rodack

- 2 -

August 30, 1999

- f. Use of the information by competitors in the international marketplace would increase their ability to market nuclear fuel by reducing the costs associated with technology development. In addition, disclosure would have an adverse economic impact on ABB CENP's potential for obtaining or maintaining foreign licensees."

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of ABB Combustion Engineering Nuclear Power, Inc. statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, ABBWP-99-076, "WNP-2, Operating License NPF-21, Request for Amendment, Minimum Critical Power Ratio Safety Limits (Supplemental Information)," dated July 30, 1999, 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 complete 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 should also 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 needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

ORIG. SIGNED BY
Jack Cushing, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

cc: See next page

DISTRIBUTION

Docket File

LSmith, RGN-IV

PUBLIC

PDIV-2 Reading

MPSiemien, OGC

ACRS

To receive a copy of this document, indicate "C" in the box							
OFFICE	PDIV-2/PM	C	PDIV-2/LA	C	SRXB/BC	OGC	PDIV-2/SC
NAME	JCushing:rb		EPeyton		RCaruso	MPSiemien	SDembek
DATE	8/20/99		8/19/99		8/20/99	8/24/99	8/30/99

DOCUMENT NAME: G:\PDIV-2\WNP2\Proa5212-2.wpd

OFFICIAL RECORD COPY

- f. Use of the information by competitors in the international marketplace would increase their ability to market nuclear fuel by reducing the costs associated with technology development. In addition, disclosure would have an adverse economic impact on ABB CENP's potential for obtaining or maintaining foreign licensees."

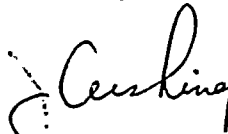
We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of ABB Combustion Engineering Nuclear Power, Inc. statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, ABBWP-99-076, "WNP-2, Operating License NPF-21, Request for Amendment, Minimum Critical Power Ratio Safety Limits (Supplemental Information)," dated July 30, 1999, 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 complete 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 should also 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 needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,



Jack Cushing, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

cc: See next page

T. Rodack

cc:

Mr. Greg O. Smith (Mail Drop 927M)
Vice President, Generation
Energy Northwest
P. O. Box 968
Richland, Washington 99352-0968

Mr. Albert E. Mouncer (Mail Drop 1396)
Chief Counsel
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

Ms. Deborah J. Ross, Chairman
Energy Facility Site Evaluation Council
P. O. Box 43172
Olympia, Washington 98504-3172

Mr. D. W. Coleman (Mail Drop PE20)
Regulatory Affairs Manager
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

Mr. Paul Inserra (Mail Drop PE20)
Manager, Licensing
Energy Northwest
P.O. Box 968
Richland, Washington 99352

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
Harris Tower & Pavilion
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064

Chairman
Benton County Board of Commissioners
P.O. Box 69
Prosser, Washington 99350-0190

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 69
Richland, Washington 99352-0968

Mr. Rodney L. Webring (Mail Drop PE08)
Vice President, Operations Support/PIO
Energy Northwest
P. O. Box 968
Richland, Washington 99352

Perry D. Robinson, Esq.
Winston & Strawn
1400 L Street, N.W.
Washington, DC 20005-3502

Mr. Bob Nichols
Executive Policy Division
Office of the Governor
P.O. Box 43113
Olympia, Washington 98504-3113

Mr. J. V. Parrish
Chief Executive Officer
Energy Northwest
P.O. Box 968 (Mail Drop 1023)
Richland, WA 99352-0968

