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COLEMAN,D.W. Washington Public Power Supply System
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Records Management Branch (Document Control Desk)

SUBJECT: Forwards proprietary response to NRC 990603 RAI re licensee request for amend to MCPR safety limit TSs.Proprietary info withheld IAW requirements of 10CFR2.790.

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MAY

WASHINGTON PUBLIC POWER SUPPLY SYSTEM
P.O. Box 968 • Richland, Washington 99352-0968

June 21, 1999
GO2-99-113

Docket No. 50-397

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

Gentlemen:

Subject: **WNP-2, OPERATING LICENSE NPF-21**
REQUEST FOR AMENDMENT
MINIMUM CRITICAL POWER RATIO SAFETY LIMITS
(ADDITIONAL INFORMATION)

Reference: Letter, dated June 3, 1999, Jack Cushing (NRC) to JV Parrish (SS), "Request for Additional Information (RAI) for the Washington Public Power Supply System Nuclear Project NO. 2 (TAC NO. MA5212)"

In the reference, the staff requested that additional information be provided to support review of our pending request for an amendment to the Minimum Critical Power Ratio Safety Limit Technical Specifications.

The additional information is included as an attachment, which consists of a letter from Asea Brown-Boveri (ABB) Combustion Engineering, Inc. Some of the material in the attachment has been identified as proprietary and is marked accordingly (i.e., bracketed). Therefore, pursuant to the requirements of 10 CFR 2.790, an affidavit is enclosed to support the withholding of this information from public disclosure.

Should you have any questions or desire additional information regarding this matter, please call me or PJ Inserra at (509) 377-4147.

Respectfully,

DW Coleman
Manager, Regulatory Affairs
Mail Drop PE20

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Attachment 990652

cc: EW Merschoff - NRC RIV
JS Cushing - NRR
NRC Sr. Resident Inspector - 927N
DL Williams - BPA/1399
PD Robinson - Winston & Strawn

AFFIDAVIT

STATE OF WASHINGTON)
)
COUNTY OF BENTON)

Subject: Letter ABBWP-99-063, dated June 17, 1999, "WNP-2, Operating License NPF-21, Request for Amendment, Minimum Critical Power Ratio Safety Limits (Additional Information)"

I, D.W. Coleman, being duly sworn, subscribe to and say that I am the Manager, Regulatory Affairs, for the WASHINGTON PUBLIC POWER SUPPLY SYSTEM, the applicant herein; that I have the full authority to execute this oath; that I have reviewed the foregoing; and that to the best of my knowledge, information, and belief the statements made in it are true.

The attachment to this letter contains information [marked in brackets] which is considered by ABB Combustion Engineering, to be proprietary. Attached is an affidavit executed by I.C. Rickard, Director, Nuclear Licensing, of Combustion Engineering, Inc., dated June 16, 1999, which provides the basis on which it is claimed that the subject document should be withheld from public disclosure under the provisions of 10 CFR 2.790.

The Washington Public Power Supply System treats the subject document as proprietary information on the basis of statements by the owner. In submitting this information to the NRC, the Supply System requests that the subject document be withheld from public disclosure in accordance with 10 CFR 2.790.

DATE June 21, 1999

D.W. Coleman
Manager, Regulatory Affairs

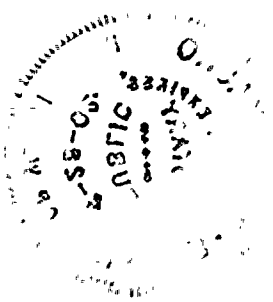
On this date personally appeared before me D.W. COLEMAN, to me known to be the individual who executed the foregoing instrument, and acknowledged that he signed the same as his free act and deed for the uses and purposes herein mentioned.

GIVEN under my hand and seal this 21 day of June 1999.

Notary Public in and for the
STATE OF WASHINGTON

Residing at Kennewick WA

My Commission Expires 4/28/02



ABB

June 17, 1999
ABBWP-99-063

Mr. R. A. Vopalensky
Energy Northwest
Plant Engineering Center (PEC)
North Power Plant Loop
Richland, WA 99352-0968
Mail Drop: PE10

Subject: WNP-2, Operating License NPF-21, Request for Amendment, Minimum Critical Power Ratio Safety Limits (Additional Information)

Reference: Letter, dated June 3, 1999, Jack Cushing (NRC) to J.V. Parrish (Supply System), Request for Additional Information (RAI) for the Washington Public Power Supply System Nuclear Project NO.2 (TAC NO. MA5212)

Dear Mr. Vopalensky:

The attachment to this letter provides the responses to the requested information contained in the reference.

Portions of the contents of the responses contain Combustion Engineering, Inc., proprietary information. This proprietary information is identified in brackets in the attachment. Please include these designations in your response to the NRC. An affidavit supporting the withholding of this information from public disclosure in accordance with 10 CFR 2.790(b) is also enclosed.

Should you require additional information or further clarification, please do not hesitate to contact me at (860) 687-8092 or Bill Harris at (860) 687-8014.

Best Regards,

N. M. Randall for N. Jain

Nirmal Jain
Project Manager

cc: S. Bian
W. Wolkenhauer
M. Reis

One Attachment – As stated
One Enclosure – As Stated

Combustion Engineering, Inc.
Post Office Box 500
2000 Day Hill Road
Windsor, Connecticut 06095-0500
Telephone (860) 687-8001
Fax (860) 687-8002

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

I, I.C. Rickard, 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 conjunction with the application of the Washington Public Power Supply System, and in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations.

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

> ABBWP-99-063, "WNP-2, Operating License NPF-21, Request for Amendment, Minimum Critical Power Ratio Safety Limits (Additional Information), June 17,1999

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 owned and has been held in confidence by Combustion Engineering. It consists of information concerning core burnup strategies, fuel assembly design

details, and information regarding Safety Limits and Critical Power Ratio correlations.

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 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 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 competitors of Combustion Engineering.

    b. Development of this information by Combustion Engineering 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 core burnup strategies, fuel assembly design details, and information regarding Safety Limit and Critical Power Ratio correlations.

d. The information consists of core burnup strategies, fuel assembly design details, and information 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 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.

e. 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.

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 Combustion Engineering's potential for obtaining or maintaining foreign licensees.

Further the deponent sayeth not.

I.C. Rickard, Director
Nuclear Licensing

Sworn to before me
this 16th day of June, 1999

Laurie J. White
Notary Public
My commission expires: 8/31/99