

BALTIMORE GAS AND ELECTRIC COMPANY

P. O. BOX 1475
BALTIMORE, MARYLAND 21203

ARTHUR E. LUNDVALL, JR.
VICE PRESIDENT
SUPPLY

October 28, 1980

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Subject: Anticipated Transients Without Scram (ATWS)
Follow-up Information Concerning the Early
Verification Program for CE NSSS's and
NUREG-0460 Volume 4

- References:
- (a) Letter dated 11/30/79 from C. H. Poindexter (BG&E) for CE NSSS Owners to S. H. Hanauer, ATWS Early Verification for CE NSSS's.
 - (b) Letter dated 5/15/80 from A. E. Lundvall, Jr. (BG&E) for CE NSSS Owners to H. R. Denton, Anticipated Transients Without Scram (ATWS).

Dear Mr. Denton:

This letter is written on behalf of owners of Combustion Engineering (C-E) designed and operating NSSS power plants who have recognized the need to clarify certain vital informational aspects of the public record on ATWS as pertains to C-E plants. The specific utilities/licensees who are directly responsible for this submittal are listed at the end of the letter, but it is felt that the information addressed herein and in the enclosures to this letter is broadly applicable to all C-E plants.

By way of background, Reference (a) was submitted on behalf of all C-E NSSS Owners and contained a report, CENPD-263, ATWS Early Verification - Response to NRC Letter of February 15, 1979 for C-E NSSS's, which provided certain information concerning the response of C-E NSSS's to a worst-case ATWS event. Following submittal of this report, there was very little dialogue between NRC and the C-E NSSS Owners concerning the contents of the report or NRC's subsequent plans. Then NUREG-0460 Volume 4 (for comment) appeared, pointing out supposedly incorrecable deficiencies in the Early Verification Program submittals and calling for specific hardware fixes to resolve the issue.

The C-E NSSS Owners submitted Reference (b) to provide preliminary comments on NUREG-0460 Volume 4 and to voice our concerns over the pre-emptive and prescriptive nature of that document. We stated in Reference (b) that more information concerning Volume 4 and the ATWS mitigation capabilities of C-E NSSS's would be submitted later. This constitutes that submittal.

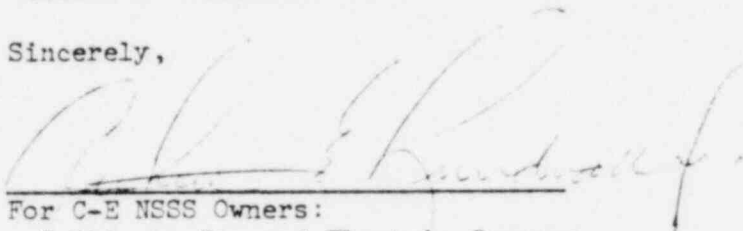
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Enclosure (1), CEN-134-P, provides our comments on NUREG-0460 Volume 4 and additional information concerning the response of C-E NSSS's during an ATWS event. CEN-134-P is C-E proprietary, and we request that it be withheld from public disclosure pursuant to 10CFR Part 2.790.

Enclosure (2) is a signed Affidavit executed by C-E in support of the request for proprietary handling of Enclosure (1). Enclosure (3), CEN-134-NP, is the non-proprietary version of Enclosure (1).

Sincerely,



For C-E NSSS Owners:

Baltimore Gas and Electric Company
Central Maine Power Company
Consumers Power Company
Florida Power and Light Company
Northeast Utilities
Omaha Public Power District
Southern California Edison Company

- Enclosures: (1) "CEN-134-P C-E Owners' Group Response to NUREG-0460, Volume 4 (March, 1980).
CEN-134-P, Copies #000001 through 000040.
- (2) Proprietary Information Affidavit for CEN-134-P.
- (3) CEN-134-NP, Non-Proprietary Version of Enclosure (1) - 20 copies.

cc: Commissioner Ahearne, Chairman NRC (w/o encl)
Dr. Milton Plessett, Chairman ACRS (w/o encl)
Mr. P. G. Delozier, CE (w/o encl)

Messrs. R. T. Laudonat
Northeast Utilities

Note: All w/o encl.

D. James
Florida Power & Light Co.

K. J. Morris
Omaha Public Power District

T. Quan
Arizona Public Service

J. T. Enos
Arkansas Power & Light Co.

S. Maloney
Boston Edison Co.

B. Rasin
Duke Power Co.

cc: Messrs. E. Donovan
Southern California Edison Co.

Note: All w/o encl.

H. F. Jones
Central Maine Power Co.

R. L. Ritt
Consumers Power Co.

R. Prados
Louisiana Power & Light

K. Iye gar
Middle South Services, Inc.

C. Walker
Tennessee Valley Authority

K. Cook
Washington Public Power Supply

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 for withholding this information.

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

CE-134-P, C-E NSSS Owners' Response to NUREG-0460, Volume 4 (March, 1980). 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 an analysis of reactor vessel head lift during an ATWS event, 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 documents 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 hundreds of man-hours of effort and tens of thousands of dollars. To the best of my knowledge and belief 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 O-ring compression test data and apply this data to an inelastic finite element analysis.

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 test and analytical data, 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.



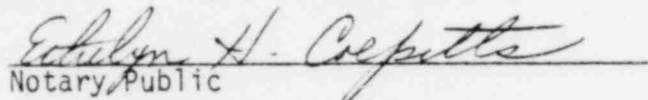
A. E. Scherer

Director

Nuclear Licensing

Sworn to before me

this 24th day of October, 1980.



Notary Public

ETHELYN H. COLPITTS, NOTARY PUBLIC

State of Connecticut No. 33976

Commission Expires March 31, 1983