



January 24, 1990
ABB-90-016

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

Attn: Mr. Robert C. Jones, Reactor Systems Branch Chief
Division of Engineering and Systems Technology

Subject: Submittal of Topical Report Describing ABB Atom's Critical Power
Correlation for SVEA-96 BWR Fuel Assemblies

Reference: Letter from N. O. Jonsson to M. Wayne Hodges, "Submittals
of Topical Reports ABB Atom", July 17, 1989

Dear Mr. Jones:

Enclosed are:

- Five (5) copies of ABB Atom Report UR 89-210 (proprietary). The number of copies was selected following discussions with Mrs. Valeria Wilson at the Planning, Program and Management Support Branch. We would be pleased to provide additional copies if needed.
- One (1) copy of an Application for Withholding Proprietary Information from Public Disclosure (non-proprietary)

This document is submitted for your review and approval and describes the Critical Power Correlation ABB Atom will use for SVEA-96 BWR fuel assemblies. Included in the report is a description of the experimental apparatus used for generating the data on which the correlation is based as well as the data themselves.

This information is submitted for your review and approval as part of the ongoing NRC review of generic topical reports describing BWR technology developed by ABB Atom and Westinghouse. Previous topical reports describing this technology have been submitted by Westinghouse. This document is being submitted by ABB Atom in anticipation of NRC authorization to use such information by ABB Atom. Current plans regarding these submittals are described in Reference 2 and were reviewed during a meeting with Messrs. Robert Jones and Laurence Phillips on November 20, 1989.

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ABB Atom Inc.

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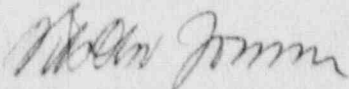
January 24, 1990

As established in a September, 1988, meeting with the NRC, Westinghouse, and ABB Atom, Westinghouse will transfer the existing NRC approvals and licenses to ABB Atom after ABB Atom has obtained NRC approval for their Quality Assurance Plan. The ABB Atom Quality Assurance Plan was submitted for NRC review in June, 1989, and the NRC requested additional information in July, 1989. Responses to this request have been reviewed with the NRC and submitted. Because of this substantial progress on the ABB Atom Quality Assurance Plan, direct submittal of technical correspondence to the NRC by ABB Atom in anticipation of the approval of the Quality Assurance Plan is considered to be acceptable. Therefore, this submittal is being made directly by ABB Atom.

This submittal contains ABB Atom proprietary information of trade secrets, commercial, or financial information which we consider privileged or confidential pursuant to 10CFR9.5(4). Therefore, it is requested that the ABB Atom proprietary information attached hereto be handled on a confidential basis and be withheld from public disclosure.

This material is for your internal use only and may be used only for the purpose for which it is submitted. It should not be otherwise used, disclosed, duplicated or disseminated, in whole or in part, to any person or organization outside the Office of Nuclear Reactor Regulation without the prior written approval of ABB Atom. Correspondence with respect to the Application for Withholding should reference ABB-90-016 and be addressed to N. O. Jonsson, Manager of Licensing and Safety Analysis, ABB Atom Inc., P.O. Box 0433, Monroeville, PA 15146.

Very truly yours,



N. O. Jonsson, Manager
Licensing and Safety Analysis

/pm

Attachments

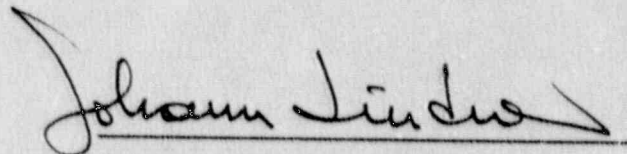
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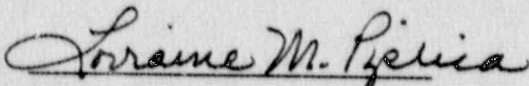
COUNTY OF ALLEGHENY:

Before me, the undersigned authority, personally appeared Johann Lindner, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of ASEA Brown Boveri Atom (ABB Atom) and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



Johann Lindner
Vice President, ABB Atom Inc.

Sworn to and subscribed
before me this 15th day
of January, 1989.


Notary Public

NOTARIAL SEAL
LORRAINE M. PIPLICA, NOTARY PUBLIC
MONROEVILLE BORO, ALLEGHENY COUNTY
MY COMMISSION EXPIRES DEC 14, 1991

Member, Pennsylvania Association of Notaries

- (1) I am Vice President, U. S. Fuel Operations, ASEA Brown Boveri (ABB) Atom Inc., in the ABB Atom Fuel Division of ABB and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rulemaking proceedings, and am authorized to apply for its withholding on behalf of ABB Atom.
- (2) I am making this Affidavit in conformance with the provisions of 10CFR Section 2.790 of the Commission's regulations and in conjunction with the ABB Atom application for withholding accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by ABB Atom in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) 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 should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by ABB Atom.

- (ii) The information is of a type customarily held in confidence by ABB Atom and not customarily disclosed to the public. ABB Atom 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 application of that system and the substance of that system constitutes ABB Atom policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of ABB Atom's competitors without license from ABB Atom constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage; e.g., by optimization or improved marketability.

- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of ABB Atom, its customers or suppliers.
- (e) It reveals aspects of past, present, or future ABB Atom or customer funded development plans and programs of potential commercial value to ABB Atom.
- (f) It contains patentable ideas, for which patent protection may be desirable.
- (g) It is not the property of ABB Atom, but must be treated as proprietary by ABB Atom according to agreements with the owner.

There are sound policy reasons behind the ABB Atom system which include the following:

- (a) The use of such information by ABB Atom gives ABB Atom a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the ABB Atom competitive position.

- (b) It is information which is marketable in many ways. The extent to which such information is available to competitors diminishes the ABB Atom ability to sell products and services involving the use of the information.
 - (c) Use by our competitor would put ABB Atom at a competitive disadvantage by reducing his expenditure of resources at our expense.
 - (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving ABB Atom of a competitive advantage.
 - (e) The ABB Atom capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10CFR Section 2.790, it is to be received in confidence by the Commission.

- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is the "SVEA-96 Critical Power Experimentation on a Full Scale 24 Rod Sub-bundle", ABB Atom Report UR 89-210, dated January 1990 (proprietary). This document is being transmitted by ABB-90-016 and the Application for Withholding Proprietary Information from Public Disclosure Letter, ABB-90-014.

This information is part of that which will enable ABB Atom to:

- (a) Perform the thermal-hydraulic design of its SVEA-96 BWR fuel assemblies.
- (b) Perform safety analyses for its SVEA-96 BWR fuel assemblies including analysis of operational transients and accidents in U.S. BWR's where such fuel is or will be utilized.
- (c) Complete the generic licensing of the SVEA-96 BWR fuel in the U.S.

Further this information has substantial commercial value as follows:

- (a) ABB Atom plans to sell the use of similar information to its customers for purposes of meeting NRC requirements for licensing documentation.
- (b) ABB Atom can sell support and defense of the technology to its customers in the licensing process.
- (c) The mathematical models that revealed in the information are based on experimental data generated and owned by ABB Atom. The costs of generating these data, which are included in the information, are very substantial.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of ABB Atom because it would enhance the ability of competitors to provide similar analytical documentation and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

The development of the technology described by the information is the result of applying the results of many years of experience in an intensive ABB Atom effort and the expenditure of a considerable sum of money for this effort as well as for building and using the experimental apparatus used to generate the data included in the information.

In order for competitors of ABB Atom to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience and capital expenditure, would have to be expended for this as well as for generating the experimental data.

Further the deponent sayeth not.