

Docket No. STN-50-470F

August 3, 1983
LD-83-068

Mr. Darrell G. Eisenhut, Director
Division of Licensing
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: System 80™ Core Bypass Flow

Reference: Letter, C. O. Thomas to A. E. Scherer, dated July 29, 1983

Dear Mr. Eisenhut:

In Amendment five (5) of CESSAR-F (dated October 1981), Combustion Engineering (C-E) revised the estimated core bypass flow of the System 80™ reactor to reflect a fuel design change affecting the hydraulic characteristics of the vessel internals. C-E was requested by the NRC Staff to justify the new value because it was lower than the corresponding core bypass estimates for other C-E designs. The enclosed report is provided in response to the Reference request and documents that information which has been presented informally to the Staff. Based upon our discussions with the Staff, we understand that this report should close out the issue.

If I can be of any further assistance in this matter, please contact either myself or Mr. G. A. Davis of my staff at (203) 688-1911, extension 5207.

Very truly yours,

COMBUSTION ENGINEERING, INC.

A. E. Scherer
Director
Nuclear Licensing

8308100324 830803
PDR ADOCK 05000470
A PDR

AES:las

Enclosure: Enclosure 1-P to LD-83-068, "Information on System 80 Bypass Flow", August 1983 (proprietary version)

Enclosure 1-NP to LD-83-068, "Information on System 80 Bypass Flow", August 1983 (non-proprietary version)

E003
1/1
CHG: PDR } NON PROP ONLY
USIC
NTIS

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:

Enclosure 1-P to LD-83-068, "Information on System 80 Bypass Flow".
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 are the detailed pressure drops and flow resistances of the System 80™ reactor core internals, 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 reactor competitors of Combustion Engineering.

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

c. In order to acquire such information, a competitor would also require considerable time and inconvenience related to development of a fuel design with performance characteristics similar to that of Combustion Engineering, Inc.

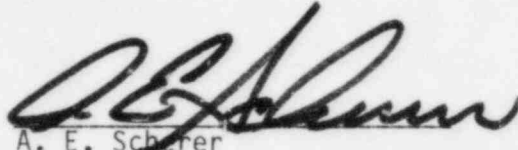
d. The information required significant effort and expense to obtain the licensing approvals necessary for application of the information. Avoidance of this expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable.

e. The information consists of the pressure drop and flow resistance characteristics of the System 80 fuel design, 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.

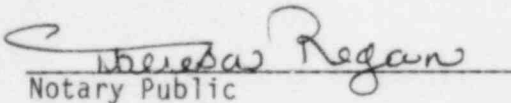
Further the deponent sayeth not.



A. E. Scherer
Director
Nuclear Licensing

Sworn to before me

this 3rd day of August, 83



Notary Public

THERESA M. REGAN, NOTARY PUBLIC
STATE OF CONNECTICUT NO. 65997
COMMISSION EXPIRES MARCH 31, 1988