

March 8, 1993 LD-93-040

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

Transmittal of Draft Responses to NRC Request for Subject: Additional Information on the CENTS Code Topical Report

Letter from R. C. Jones (NRC) to S. A. Toelle (ABB-Reference: CE) dated December 7, 1992

Dear Si:s:

This letter transmits, as Enclosure I, four (4) copies of the handout provided at the January 28, 1993, meeting between ABB Combustion Engineering (ABB-CE) and the NRC and their technical reviewers from Brookhaven National Laboratory (BNL). The handouts contain our draft responses to the Request for Additional Information (RAI) on the CENTS Code Topical Report, forwarded in the Reference. The draft responses were presented at the meeting to (1) ensure that we understood the intent of each RAI and (2) provide the Staff and BNL with a preview of our proposed reply.

Material contained in Enclosure I is proprietary to ABB-CE. As such, we request that it be withheld from public disclosure in accordance with the provisions of 10CFR2.790 and that this material be appropriately safeguarded. The reasons for the classification of this material as proprietary are delineated in the affidavit provided as Enclosure II.

Our final responses to the RAI will contain additional clarifications and amplifications of our draft responses presented at the meeting. When the final responses are submitted, ABB-CE will also identify the specific information that is proprietary in order to facilitate the preparation of the non-proprietary Safety Evaluation Report.

We wish to thank the NRC staff and the BNL reviewers for taking the time to meet with us on this subject. It is our hope that this meeting will result in more complete responses and a more efficient review. If there are any more questions on this

ABB Combustion Engineering Nuclear Power

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Topical Report or if we can be of other assistance to facilitate the review process, please do not hesitate to call me or Mr. Mario Robles of my staff at (203) 285-5215.

Very truly yours,

S. A. In

S. A. Toelle Manager Nuclear Licensing

mr/lw

Enclosures: As Stated

cc: L. I. Kopp (NRC) R. C. Jones (NRC) E. D. Kendrick (NRC)

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

Combustion Engineering,	Inc.)		
State of Connecticut)		
County of Hartford)	SS.:	Windsor

I, S. A. Toelle, depose and say that I am the Manager, 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 I to LD-93-040, dated March 8, 1993, "CENTS RAI."

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, which is owned and has been held in confidence by Combustion Engineering, is the specific details concerning the models, methods, and algorithms used in the CENTS code to simulate a pressurized water reactor nuclear steam surply system's transient response.
- 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

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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 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 acquire the specific details concerning the models, methods, and algorithms used in the CENTS code to simulate a pressurized water reactor nuclear steam supply system's transient response.
 - 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 analyses of the specific details concerning the models, methods, and algorithms used in the CENTS code to simulate a pressurized water reactor nuclear steam supply system's transient response, 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

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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.

S. A. I

S. A. Toelle Manager Nuclear Licensing

sworn to before me this the day of March 1993

Laurie Whe

Notary Public

My commission expires: 3-31-94