BALTIMORE
GAS AND
ELECTRIC

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ARTHUR E. LUNDVALL, JR.
VICE PRESIDENT
SUPPLY

March 26, 1982

Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

ATTENTION: Mr. R. A. Clark, Chief
Operating Reactors Branch #3
Division of Licensing

SUBJECT: Calvert Cliffs Nuclear Power ant
Unit No. 1 and Unit No. 2
Docket No. 50-317 and 50-318
Third Partial Response to Questions
on FATES3 (CEN-161-(B)-P

REFERENCE (A): R. A. Clark to A. E. Lundvall letter dated 12/8/81,
Questions on FATES3

(B): A. E. Lundvall to R. A. Clark letter dated 2/2/82,
Partial Response to Questions on FATES3

(C): A. E. Lundvall to R. A. Clark letter dated 3/10/82,
Second Partial Response to Questions on FATES3

Gentlemen:

Reference (A) posed thirteen (13) multipart questions on the FATES3 topical report. Reference (B) responded to Questions Nos. 8, 10, 11, 12, and 13. Reference (C) responded to Questions Nos. 7 and 9. Enclosures (1) and (2) to this letter are proprietary and non-proprietary versions respectively of responses to Question Nos. 1 through 6 and thereby complete a full response to Reference (A).

A001
51/25 - Prop
15 - Non Prop

Change: POR
LPOR
NSIC
NTIS
} Non-Prop Version

Enclosure (3) is a proprietary affidavit which requests that Enclosure (1) be withheld from public disclosure in accordance with the provisions of 10 CFR 2790.

Should you have any questions, please contact us.

Very truly yours,

BALTIMORE GAS AND ELECTRIC COMPANY

A. E. Lundvall, Jr.
Vice President - Supply

AEL/WJL/mit

Enclosures:
(1) Partial Response to NRC Questions on CEN-161-(B)-P, Improvements to Fuel Evaluation Model, CEN-193(B)-P, Supplement 2-P, March 21, 1982 (Proprietary), Copies 1-25

(2) Partial Response to NRC Questions on CEN-161-(B)-P, Improvements to Fuel Evaluation Model, CEN-193(B)-P, Supplement 2-P, March 21, 1982 (Non-Proprietary), 15 Copies

(3) Proprietary Affidavit

Copies to:
J. A. Biddison, Esquire (w/out enclosures)
G. F. Trowbridge, Esquire (w/out enclosures)
D. H. Jaffe, NRC (Copy No. 26 of Encl. (1))
P. W. Kruse, CE (w/out enclosures)

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

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

I, P. L. McGill depose and say that I am the Vice President, Commercial 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 and in conjunction with the application of Baltimore Gas and Electric Company, for withholding this information.

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

CEN-193(B)-P, "Partial Response to NRC Questions on CEN-161(B)-P", January 29, 1982.

CEN-193(B)-P, Supplement 1-P, "Partial Response to NRC Questions on CEN-161(B)-P".

CEN-193(B)-P, Supplement 2-P, "Partial Response to NRC Questions on CEN-161(B)-P".

These documents have 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 documents, should be withheld.

1. The information sought to be withheld from public disclosure are fuel rod fission gas release data from Calvert Cliffs Unit 1 and from the Super-Ramp and Over-Ramp programs as well as the specific methods by which input data for FATES 3 is selected and combined, 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 thousands 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 obtaining measurements of fission gas release from irradiated fuel rods and generation of the methods for selecting and combining input data for the FATES 3 computer code.

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 fuel rod fission gas release data from Calvert Cliffs Unit 1 and from the Super-Ramp and Over-Ramp programs as well as the specific methods by which input data for FATES 3 is selected and combined, 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.

P. L. McGill
Vice President
Commercial

Sworn to before me
this 23rd day of March, 1982

Notary Public

CAREY J. WRIGHT, NOTARY PUBLIC
State of Connecticut No. 59952
Commission Expires March 31, 1985