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POWER SYSTEMS

April 15, 1982
LD-82-044

Mr. James R. Miller, Chief
Standardization and Special Projects Branch
Division of Licensing
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Subject: Transmittal of CEN-203, Rev. 1, Response to NRC Action Plan Item II.K.3.30--Justification of Small Break LOCA Methods

Reference: C-E Owners Group Letter from K. P. Baskin to J. R. Miller, dated March 31, 1982

Dear Mr. Miller:

The reference letter transmitted five copies of CEN-203-P and five copies of CEN-203-NP for NRC review. Subsequent to release of the report, errors in proprietary designation were discovered and the enclosed Revision 1 reflects the appropriate corrections. Please note that the text of the report has not been altered, only the handling of the proprietary material has been changed.

CEN-203, Revision 1 supercedes in its entirety the previously transmitted report. Therefore, please return the five copies of CEN-203-P and the five copies of CEN-203-NP to Combustion Engineering. In this way all possible confusion as to the correct version will be avoided.

Due to the proprietary nature of the material contained in the subject report, we request that it be withheld from public disclosure in accordance with the provisions of 10CFR 2.790 and that this material be safeguarded. The reasons for the classification of this report as proprietary are delineated in the enclosed affidavit.

If we can be of any additional assistance, please feel free to contact either myself or Ms. J. C. Ennaco of my staff at (203)688-1911, Extension 2595.

Very truly yours,

COMBUSTION ENGINEERING, INC.

A. E. Scherer
Director
Nuclear Licensing

Two Rids T007 5/25-Prop
T008 5/15-Non Prop

AES:ctk

cc: K. P. Baskin 8204290346

Enclosures: CEN-203, Rev. 1-P (proprietary) copies 000001 through 000025
CEN-203, Rev. 1-NP (non-proprietary) 15 copies
Affidavit attesting to the proprietary nature CEN-203, Rev. 1-P

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:

CEN-203-P, Rev. 1-P "Response to NRC Action Plan Item I.K.3.30 - Justification of Small Break LOCA Methods", March 1982.

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 an evaluation model and an advanced best estimate model for small break Loss of Coolant Accident analysis 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 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 related to the development of an evaluation model and an advanced best estimate model for small break Loss of Coolant Accident 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 an evaluation model and an advanced best estimate model foor small break Loss of Coolant Accident analysis, 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 15th day of April, 1982

Carey J. Wenzel
Notary Public

CAREY J. WENZEL, NOTARY PUBLIC
State of Connecticut No. 59962
Commission Expires March 31, 1985