



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 28, 1994

Docket No. 50-317

Mr. S. A. Toelle, Manager  
Nuclear Licensing  
Combustion Engineering, Inc.  
P.O. Box 500  
Windsor, Connecticut 06095

Dear Mr. Toelle:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -  
CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT NO. 1 (TAC NO. M88316)

By letter dated November 29, 1993, Baltimore Gas and Electric Company, submitted a request for U.S. Nuclear Regulatory Commission (NRC) approval to modify the Calvert Cliffs Nuclear Power Plant, Unit 1 reactor vessel Pressurized Thermal Shock reference temperatures using plant-specific surveillance data. The submittal included a Combustion Engineering Report CEN-612-P, "Reactor Vessel Weld Materials for Calvert Cliffs Unit 1 Supplemental Surveillance Program," (Proprietary) dated November 1993. An accompanying affidavit dated November 24, 1993, for Combustion Engineering (CE), Inc., requested that the report be withheld from public disclosure and provided information to support this request.

The CE affidavit stated that 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 Combustion Engineering required thousands of manhours 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 to determine the specific material data for surveillance welds for reactor vessels fabricated by Combustion Engineering.
- 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.

040110

9403080236 940228  
PDR ADDCK 05000317  
P PDR

NRC FILE CENTER COPY

10

- e. The information consists of the specific material data for surveillance welds for reactor vessels fabricated by Combustion Engineering, 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.

We have reviewed your submittal and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of CE's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore, CEN-612-P, "Reactor Vessel Weld Materials for Calvert Cliffs Unit 1 Supplemental Surveillance Program," marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding this document from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

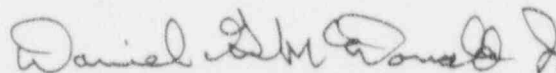
Mr. S. A. Toelle

- 3 -

February 28, 1994

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also understand that the NRC may have cause to review this determination in the future, such as if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,



Daniel G. McDonald, Senior Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

cc: See next page

Baltimore Gas & Electric Company

cc:

Mr. Michael Moore, President  
Calvert County Board of  
Commissioners  
175 Main Street  
Prince Frederick, Maryland 20678

D. A. Brune, Esquire  
General Counsel  
Baltimore Gas and Electric Company  
P.O. Box 1475  
Baltimore, Maryland 21203

Jay E. Silberg, Esquire  
Shaw, Pittman, Potts and Trowbridge  
2300 N Street, NW  
Washington, DC 20037

Mr. G. L. Detter, Director, NRM  
Calvert Cliffs Nuclear Power Plant  
1650 Calvert Cliffs Parkway  
Lusby, Maryland 20657-4702

Resident Inspector  
c/o U.S. Nuclear Regulatory  
Commission  
P.O. Box 287  
St. Leonard, Maryland 20685

Mr. Richard I. McLean  
Administrator - Radioecology  
Department of Natural Resources  
580 Taylor Avenue  
Tawes State Office Building  
B3  
Annapolis, Maryland 21401

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, Pennsylvania 19406

Calvert Cliffs Nuclear Power Plant  
Unit Nos. 1 and 2

Mr. Joseph H. Walter  
Engineering Division  
Public Service Commission of  
Maryland  
American Building  
231 E. Baltimore Street  
Baltimore, Maryland 21202-3486

Kristen A. Burger, Esquire  
Maryland People's Counsel  
American Building, 9th Floor  
231 E. Baltimore Street  
Baltimore, Maryland 21202

Patricia T. Birnie, Esquire  
Co-Director  
Maryland Safe Energy Coalition  
P.O. Box 33111  
Baltimore, Maryland 21218

Mr. Robert E. Denton  
Vice President - Nuclear Energy  
Baltimore Gas and Electric Company  
Calvert Cliffs Nuclear Power Plant  
1650 Calvert Cliffs Parkway  
Lusby, Maryland 20657-4702

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also understand that the NRC may have cause to review this determination in the future, such as if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

Original signed by:

Daniel G. McDonald, Senior Project Manager  
Project Directorate I-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

cc: See next page

DISTRIBUTION:

Docket File           NRC & Local PDRs  
PDI-1 Reading       SVarga  
JCalvo               RACapra  
CVogan               DMcDonald  
MPSiemien, OGC      CCowgill, RGN-I

\*See previous concurrence

OFFICE	PDI-1:LA	PDI-1:PM	OGC #	PDI-1:D <i>ROC</i>	
NAME	CVogan <i>CV</i>	DMcDonald:avl	MPSiemien	RACapra	
DATE	<i>2/24/94</i>	<i>2/24/94</i>	02/23/94	<i>2/28/94</i>	<i>1/1</i>

OFFICIAL RECORD COPY

FILENAME: G:\CC1-2\CC188316.LTR