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POWER SYSTEMS

March 29, 1983 LD-83-028

Mr. Cecil O. Thomas Standarization and Special Projects Branch Division of Licensing U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Amendment 1 to CENPD-266, "The ROCS and DIT Computer Codes for Subject: Nuclear Design"

Reference: Letter, Cecil O. Thomas, U.S. NRC, to A. E. Scherer, C-E, "Request Number 1 for Additional Information on CENPD-266(P), September 15, 1982

Dear Mr. Thomas:

This letter transmits twenty-five (25) copies of Amendment 1-P (proprietary) and fifteen (15) copies of Amendment 1-NP (non-proprietary) of CENPD-266 for NRC review. The amendment provides the responses to the request for additional information contained in Reference 1.

Due to the proprietary nature of the material contained in Amendment 1-P to CENPD-266, we request that it be withheld from public disclosure in accordance with the provisions of 10 CFR 2.790, and that this material be safeguarded. The reasons for the proprietary classification of this report are delineated in the enclosed affidavit.

If any questions arise concerning the submittal, please contact me or Mr. J. 007 E. Rogers of my staff at (203) 688-1911, extension 3028.

Very truly yours,

COMBUSTION ENGINEERING, INC.

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NON-PAOP TOO

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A. E. Scherer Director Nuclear Licensing

AES:las Enclosures:

Affidavit attesting to the proprietary nature of Amendment 1-P to CENPD-266. Amendment 1-P (proprietary) to CENPD-266, Copies 000001 through 000025 Amendment 1-NP (non-proprietary) to CENPD-266, 15 copies

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## AFFIDAVIT PURSUANT

## TO 10 CFR 2.790

Combustion Engineering, Irc. 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:

CENPD-266-P, Amendment 1-P, Responses to NRC Questions on the ROCS-DIT Topical, February 1983.

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 methods and associated uncertainties for reactor core neutronics involving details of the calculational model, results of bench-mark calculations revealing the Combustion Engineering state-of-the-art and measured data obtained through the courtesy of utility customers 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 tens of thousands of dollars. To the best of my knowledgeand 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 methodology and associated uncertainties for reactor core neutronics calculations.

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 methods and associated uncertainties for reactor core neutronics calculations involving details of the calculational model, results or bench-mark calculations revealing the Combustion Engineering state-of-the-art and measured data obtained through the courtesy of utility customers 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.

Nuclear Licensing Department

Sworn to before me

this 22 day of March 1983