



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

October 28, 1994

Mr. Steve A. Toelle
Manager-Nuclear Licensing
ABB-Combustion Engineering
1000 Prospect Hill Road
Windsor, CT 06095

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE,
COMBUSTION ENGINEERING OWNERS GROUP REPORT CEN-387-P,
REVISION 1-P-A, "PRESSURIZER SURGE LINE FLOW STRATIFICATION
EVALUATION," MAY 1994

Dear Mr. Toelle:

By letter dated August 8, 1994, the Combustion Engineering Owners Group (CEOG) submitted a report, CEN-387-P, Revision 1-P-A, "Pressurizer Surge Line Flow Stratification Evaluation," dated May 1994. Included in the CEOG submittal was your affidavit, dated July 28, 1994, requesting that certain information in the report be withheld from public disclosure pursuant to 10 CFR 2.790. The information for which withholding is sought is marked with brackets in the report. The CEOG letter also transmitted a non-proprietary version of the report, CEN-387-NP, Revision 1-NP-A in which the bracketed proprietary information was deleted.

You stated that the proprietary information in CEN-387-P, Revision 1-P-A should be considered exempt from mandatory public disclosure for the following reasons:

1. 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.
2. The information is of a type customarily held in confidence by Combustion Engineering and not customarily disclosed to the public. You 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 your knowledge and belief, a competitor would have to undergo similar expense in generating equivalent information.

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- c. In order to acquire such information, a competitor would also require considerable time and inconvenience to evaluate pressurizer surge line flow stratification.
- 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 plant names and calculation results associated with the evaluation of pressurizer surge line flow stratification, 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 the 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 licenses.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Combustion Engineering's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

Therefore your report CEN-387-P, Revision 1-P-A, "Pressurizer Surge Line Flow Stratification Evaluation," May 1994, 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 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.

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, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

/S/

Joseph W. Shea, Project Manager
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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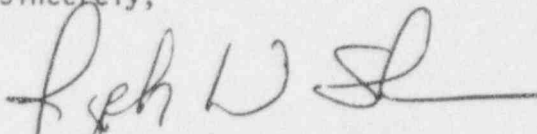
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Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph W. Shea". The signature is written in dark ink and is positioned above the typed name.

Joseph W. Shea, Project Manager
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation