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MIDDLE SOUTH UTILITIES SYSTEM

CONTAINS PROPRIETARY INFORMATION

August 12, 1983

W3P83-2609
3-A1.01.04

Director of Nuclear Reactor Regulation
Attention: Mr. G.W. Knighton, Chief
Licensing Branch No. 3
Division of Licensing
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

SUBJECT: Waterford SES Unit 3
Docket No. 50-382
Fuel Assembly Response to Seismic and LOCA Loading

Enclosures: (1) CEN-159(C)-P Rev. 1-P, Final Assessment of Waterford 3 Fuel Structural Integrity Under Faulted Conditions
(2) CEN-159(C)-NP Rev. 1-NP, Final Assessment of Waterford 3 Fuel Structural Integrity Under Faulted Conditions
(3) Affidavit of Prioprietary Status Pursuant to 10CFR2.790

Dear Sir:

The Waterford SER requests an analysis of fuel assembly response to seismic and LOCA loading to demonstrate compliance with the Standard Review Plan requirements. This asymmetric loads analysis was completed and the results reported in Amendment 31 to the Waterford FSAR. Subsequently, your Mr. Dale Powers (NRR/CPB) requested additional information inappropriate for inclusion in the FSAR.

In response to Mr. Powers' request, enclosed please find proprietary copies 000002 and 000003 of Enclosure (1). Two copies of the nonproprietary document, Enclosure (2), are also included. Proprietary copy 000004 has been sent directly to Mr. Powers for review.

Please be advised that Enclosure (1) contains information which is proprietary to Combustion Engineering. Pursuant to Section 2.790 10 CFR part 2, you are requested to withhold this information from public disclosure. An affidavit attesting the proprietary nature of the material is provided as Enclosure (3). In accordance with 10 CFR Section 2.790 (b), we recognize that withholding this information from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the information.

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Continued...

CHG. PDR, LPDR, NSIC, NTIC } NON PROPONLY

If you should have any questions concerning the proprietary nature of the material transmitted herewith, please address these questions directly to:

Mr. A. E. Scherer
Director of Nuclear Licensing (9438-1922)
Combustion Engineering, Inc.
1000 Prospect Hill Road
Windsor, CT 06095

We also ask that you provide a copy of any questions concerning the proprietary nature of this submittal to Louisiana Power & Light Company.

It is our understanding that submittal of the enclosed information shall be sufficient to resolve the question of fuel assembly response to seismic and LOCA loading. We therefore request that this subject be addressed in the next issuance of a Waterford SER Supplement and closed out as a license condition.

Should you have any questions or comments in this matter please contact Mike Meisner at (504) 363-8938.

Yours very truly,

F. J. Drummond
Manager Engineering & Technical Services

FJD/MJM/ch
Enclosures

cc: W. M. Stevenson, E. L. Blake, J. Wilson (NRC), D. Powers (NRC),
G. L. Constable (NRC, Resident Inspector)

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 and in conjunction with the application of Louisiana Power and Light Co. for withholding this information.

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

CEN 159(C)-P Rev. 1-P, Final Assessment of Waterford 3 Fuel Assemblies Under Seismic and LOCA Conditions.

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 structural information, test and analytical results of the Waterford - 3 fuel assemblies under seismic and LOCA conditions 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 detail 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 thousands of manhours of effort and hundreds 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 testing and analysis of fuel assemblies under faulted conditions.

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 structural information, test and analytical results of the Waterford 3 fuel assemblies under seismic and LOCA conditions, 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 Department

Sworn to before me
this 21st day of July, 1983

Theresa Regan
Notary Public

THERESA M. REGAN, NOTARY PUBLIC
STATE OF CONNECTICUT NO. 66097
COMMISSION EXPIRES MARCH 31, 1988