



January 5, 1995
NFBWR-95-001
CENPD-283-P

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

ATTN: Chief, Planning
Program and Management Support Branch

Reference I. Letter ATOF-93-029 from D. B. Ebeling-Koning (ABB) to Document Control Desk (NRC), Transmittal of Topical Report "Boiling Water Reactor Emergency Core Cooling System Evaluation Model: Code Sensitivity for SVEA-96 Fuel," CENPD-283-P (proprietary), March 30, 1993. (NRC Accession Number 9304020195)

Subject: Transmittal of Topical Report "Boiling Water Reactor Emergency Core Cooling System Evaluation Model: Code Sensitivity for SVEA-96 Fuel," CENPD-283-NP (non-proprietary) and updated Affidavit.

Dear Sir:

Please find as Enclosure I twelve (12) copies of the Licensing Topical Report titled, "Boiling Water Reactor Emergency Core Cooling System Evaluation Model: Code Sensitivity for SVEA-96 Fuel," CENPD-283-NP. This document is the non-proprietary version of the Licensing Topical Report CENPD-283-P submitted to the NRC in March 1993 by Reference I. The non-proprietary version is being provided at the NRC Staff's request to facilitated review of the document submitted in Reference I. In addition, the NRC staff has requested an updated Affidavit which states the reasons for the withholding the information indicated as proprietary. An updated Affidavit is provided in Enclosure II.

The Licensing Topical Report submitted in Reference I and the non-proprietary version provided by this transmittal is part of the ABB generic BWR reload licensing methodology being submitted in support of SVEA-96 fuel deliveries commencing the beginning of 1996.

The material in CENPD-283-P submitted by Reference I contains Combustion Engineering, Inc. proprietary information consisting of trade secrets, commercial, or financial information which we consider privileged

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or confidential pursuant to 10 CFR 2.790(4). In conformance with the requirements of 10 CFR Section 2.790, as amended, of the Commission's regulations, we are submitting as Enclosure II an updated Affidavit supporting this request for Withholding Proprietary Information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the commission.

Correspondence with respect to the Application for Withholding, should reference ATOF-93-029 and be addressed to D. B. Ebeling-Koning, Manager of Licensing and Safety Analysis, BWR Fuel Operations, CEP 5330-AD07, ABB Combustion Engineering, 1000 Prospect Hill Road, Windsor, CT 06095.

Very truly yours,

D. B. Ebeling-Koning
Manager, Licensing and Safety Analysis
BWR Fuel Operations

cc: R. Frahm/NRC
R. C. Jones Jr./NRC

Enclosure I: 12 copies CENPD-283-NP
Enclosure II: Affidavit for CENPD-283-P

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

Combustion Engineering, Inc.)
State of Connecticut)
County of Hartford) SS.: Windsor

I, D. B. Ebeling-Koning, depose and say that I am the Manager, Licensing and Safety Analysis, BWR Fuel Operations, 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-283-P, "Boiling Water Reactor Emergency Core Cooling System Evaluation Model: Code Sensitivity for SVEA-96 Fuel," March 1993.

This document has been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by Combustion Engineering, Inc. 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, which is owned and has been held in confidence by Combustion Engineering, Inc., are analytical calculations defining the analysis methodology and convective spray heat transfer coefficients based on ABB performed tests.
2. 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, Inc.
3. The information is of a type customarily held in confidence by Combustion Engineering, Inc. and not customarily disclosed to the public. Combustion Engineering, Inc. 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 is 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, Inc. because:
 - a. A similar product is manufactured and sold by major light water reactor competitors of Combustion Engineering, Inc.

- b. Development of this information by Combustion Engineering, Inc. required thousands of man-hours and millions 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 develop the analysis methodology and the spray heat transfer coefficients.
- 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 analytical calculations and resulting methodology, and convective spray heat transfer coefficients, 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, Inc., take marketing or other actions to improve their product's position or impair the position of Combustion Engineering, Inc.'s product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
- f. In pricing Combustion Engineering, Inc.'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, Inc.'s potential for obtaining or maintaining foreign licensees.

Further the deponent sayeth not.

Deak Ebeling-Koning
D. B. Ebeling-Koning
Manager, Licensing and Safety Analysis
BWR Fuel Operations

Sworn to before me
this 5th day of January, 1995

Janet Toelle
Notary Public

My commission expires: August 31, 1999

CENPD-283-NP

**BOILING WATER REACTOR
EMERGENCY CORE COOLING
SYSTEM EVALUATION MODEL:**

**CODE SENSITIVITY FOR
SVEA-96 FUEL**

ABB Combustion Engineering Nuclear Fuel

ABB
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