ABB

June 9, 1995
LD-95-029

Document Control Desk
U.S. Nuclear Regulatory Commission
Attn: Chief, Planning, Program and Management Support Branch
Washington, DC 20555-0001

Subject: **Submittal of Approved Version of Topical Report CENPD-282-P-A, Volume 4, CENPD-282-NP-A, Volume 4**

Reference: Letter, R. C. Jones (NRC) to S. A. Toelle (ABB-CE), dated February 24, 1995

Dear Sir:

As requested by the Reference, this letter submits both proprietary and non-proprietary copies of the approved version of ABB Combustion Engineering Topical Report CENPD-282-P-A, Volume 4, "Technical Manual for the CENTS CODE". In accordance with NUREG-0390, "Topical Report Review Status", twenty three (23) copies of the proprietary version and twelve (12) copies of the non-proprietary version are enclosed herewith.

It is requested that the proprietary copies of the Topical Report be withheld from public disclosure in accordance with the provisions of 10 CFR 2.790 and that these copies be appropriately safeguarded. The reasons for the classification of this information as proprietary are delineated in the enclosed affidavit.

If you have any questions, please do not hesitate to call me or Mr. Chuck Molnar of my staff at (203) 285-5205.

Very truly yours,

Ian C. Rickard, Director
Operations Licensing

Two Ltrs
Tech Prop
Non Prop

Enclosures: CENPD-282-P-A, Vol. 4 (Copies #1 - 23)
CENPD-282-NP-A, Vol. 4
Affidavit

ABB Combustion Engineering Nuclear Systems

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AFFIDAVIT PURSUANT

TO 10 CFR 2.790

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

I, I. C. Rickard, depose and say that I am the Director, Operations 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 n 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-282-P-A, Volume 4, "Technical Manual for the CENTS CODE," December 1992

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, which is owned and has been held in confidence by Combustion Engineering, is comparisons of CENTS predictions to plant transient data and to predictions made with RELAP5/MOD3 for a Westinghouse plant.
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.
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 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 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 hundreds of thousands of dollars and thousands of manhours of effort. 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 validating the CENTS models and coding for use in licensing safety analyses of non-LOCA design basis events for Westinghouse type plants.

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 comparisons of CENTS predictions to plant transient data and to predictions made with RELAP5/MOD3 for a Westinghouse plant, 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.

I. C. Rickard, Director
Operations Licensing

Sworn to before me
this 9th day of June, 1995

Laurie J. White
Notary Public
My commission expires: 8/31/99