



January 21, 1992

1CAN019201

PROPRIETARY

U. S. Nuclear Regulatory Commission
Document Control Desk
Mail Station P1-137
Washington, DC 20555

Subject: Arkansas Nuclear One - Unit 1
Docket No. 50-313
License No. DPR-51
Supporting Proprietary Information
for Deferring the Permanent Repair
to the Pressurizer Nozzle

Gentlemen:

In letter dated December 20, 1991 (1CAN129104), Entergy Operations deferred the completion date for the permanent repair of the pressurizer nozzle on Arkansas Nuclear One, Unit 1 (ANO-1) until at least 1R11. This letter stated that the supporting evaluations and analysis were proprietary and would be submitted under a separate transmittal. The purpose of this submittal is to provide the referenced evaluations and analysis in support of the nozzle deferral.

The information contained in Attachments 1.B through 1.C is considered propriety to Babcock & Wilcox (B&W). This information is being submitted under B&W Affidavit pursuant to 10CFR2.790 (Attachment 1.A).

The information contained in Attachment 2.B is considered proprietary to Combustion Engineering (CE). This information is being submitted under CE Affidavit pursuant to 10CFR2.790 (Attachment 2.A).

Therefore, Entergy Operations requests that the information in Attachments 1 and 2 be withheld from public disclosure. The information contained in Attachment 3 is considered non-proprietary. Should you have any questions regarding this submittal, please contact me.

Very truly yours,

James J. Fisicaro

James J. Fisicaro
Director, Licensing

JJF/RWC/sjf
Attachments

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change

Utr. Encl.
NRC PDC 1 INP
NSIC 1 INP

ADD 1/11

U. S. NRC
January 21, 1992
Page 2

cc: Mr. Robert Martin
U. S. Nuclear Regulatory Commission
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ATTACHMENT 2.A

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

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

I, S. A. Toelle, depose and say that I am the Manager, Operating Reactor 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:

CE NPSD-648-P, "Corrosion and Corrosion/Erosion Testing of Pressurizer Shell Material Exposed to Borated Water," April 1991.

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 includes pit depth measurement techniques and plant specific design and operating information, 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 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 C-E required hundreds of manhours and tens of thousands of 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 developing pit depth measurement techniques.
 - 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 techniques for measuring corrosion depth, 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 without information 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.

S. A. Toelle

S. A. Toelle
Manager
Operating Reactor Licensing

Sworn to before me
this 2nd day of December, 1991

Laurie J. White
Notary Public

My commission expires: 3/31/94

ATTACHMENT 1.A

AFFIDAVIT OF JAMES H. TAYLOR

- A. My name is James H. Taylor. I am Manager of Licensing Services in the B&W Nuclear Service Company (BWNS), which is a part of B&W Nuclear Technologies (BWNT), and as such I am authorized to execute this Affidavit.
- B. I am familiar with the criteria applied by B&W to determine whether certain information of B&W is proprietary and I am familiar with the procedures established within B&W, particularly the Nuclear Services Company, to ensure the proper application of these criteria.
- C. In determining whether a B&W document is to be classified as proprietary information, an initial determination is made by the Unit Manager, who is responsible for originating the document, as to whether it falls within the criteria set forth in Paragraph D hereof. If the information falls within any one of these criteria, it is classified as proprietary by the originating Unit Manager. This initial determination is reviewed by the cognizant Section Manager. If the document is designated as proprietary, it is reviewed again by Licensing personnel and other management within BWNS as designated by the Manager of Licensing Services to assure that the regulatory requirements of 10 CFR Section 2.790 are met.
- D. The following information is provided to demonstrate that the provisions of 10 CFR Section 2.790 of the Commission's regulations have been considered:
- (i) The information has been held in confidence by B&W. Copies of the document are clearly identified as proprietary. In addition, whenever B&W transmits the

information to a customer, customer's agent, potential customer or regulatory agency, the transmittal requests the recipient to hold the information as proprietary. Also, in order to strictly limit any potential or actual customer's use of proprietary information, the following provision is included in all proposals submitted by B&W, and an applicable version of the proprietary provision is included in all of B&W's contracts:

"Purchaser may retain Company's proposal for use in connection with any contract resulting therefrom, and, for that purpose, make such copies thereof as may be necessary. Any proprietary information concerning Company's or its Supplier's products or manufacturing processes which is so designated by Company or its Suppliers and disclosed to Purchaser incident to the performance of such contract shall remain the property of Company or its Suppliers and is disclosed in confidence, and Purchaser shall not publish or otherwise disclose it to others without the written approval of Company, and no rights, implied or otherwise, are granted to produce or have produced any products or to practice or cause to be practiced any manufacturing processes covered thereby.

Notwithstanding the above, Purchaser may provide the NRC or any other regulatory agency with any such proprietary information as the NRC or such other agency may require; provided, however, that Purchaser shall first give Company written notice of such proposed disclosure and Company shall have the right to amend such proprietary information so as to make it non-proprietary. In the event that Company cannot amend such proprietary information, Purchaser

AFFIDAVIT OF JAMES H. TAYLOR (Cont'd.)

cannot amend such proprietary information, Purchaser shall, prior to disclosing such information, use its best efforts to obtain a commitment from NRC or such other agency to have such information withheld from public inspection.

Company shall be given the right to participate in pursuit of such confidential treatment."

- (ii) The following criteria are customarily applied by B&W in a rational decision process to determine whether the information should be classified as proprietary. Information may be classified as proprietary if one or more of the following criteria are met:
- a. Information reveals cost or price information, commercial strategies, production capabilities, or budget levels of B&W, its customers or suppliers.
 - b. The information reveals data or material concerning B&W research or development plans or programs of present or potential competitive advantage to B&W.
 - c. The use of the information by a competitor would decrease his expenditures, in time or resources, in designing, producing or marketing a similar product.
 - d. The information consists of test data or other similar data concerning a process, method or component, the application of which results in a competitive advantage to B&W.
 - e. The information reveals special aspects of a process, method, component or the like, the exclusive use of which results in a competitive

AFFIDAVIT OF JAMES H. TAYLOR (Cont'd.)

- f. The information contains ideas for which patent protection may be sought.

The document(s) listed on Exhibit "A", which is attached hereto and made a part hereof, has been evaluated in accordance with normal B&W procedures with respect to classification and has been found to contain information which falls within one or more of the criteria enumerated above. Exhibit "B", which is attached hereto and made a part hereof, specifically identifies the criteria applicable to the document(s) listed in Exhibit "A".

- (iii) The document(s) listed in Exhibit "A", which has been made available to the United States Nuclear Regulatory Commission was made available in confidence with a request that the document(s) and the information contained therein be withheld from public disclosure.
- (iv) The information is not available in the open literature and to the best of our knowledge is not known by Combustion Engineering, EXXON, General Electric, Westinghouse or other current or potential domestic or foreign competitors of B&W.
- (v) Specific information with regard to whether public disclosure of the information is likely to cause harm to the competitive position of B&W, taking into account the value of the information to B&W; the amount of effort or money expended by B&W developing the information; and the ease or difficulty with which the information could be properly duplicated by others is given in Exhibit "B".
- E. I have personally reviewed the document(s) listed on Exhibit "A" and have found that it is considered proprietary by B&W because it contains information which falls within one or more of the

EXHIBITS A & B

EXHIBIT A

1. BWNT Document 51-1202274-01 (ANO Document 86-E-0074-86, Rev. 01), "ANO-1 Pressurizer Level Sensing Nozzle Leak Evaluation Summary", November 1991.
2. BWNT Technical Document 33-1206648-00, "Stress Report for ANO-1 Pressurizer Level Sensing Nozzle", November 1991.
3. BWNT Calculation Summary Sheet 32-1206678-00, "PRZ Level Sensing Nozzle Cavity Assessment", November 1991.
4. BWNT Calculation Summary Sheet 32-1202278-01, "ANO PZR Level Sensing Nozzle FM Evaluation", November 1991.
5. BWNT Document 51-1202276-01, "Materials Evaluation of the ANO-1 Interim Level Tap Repair", November 1991.
6. BWNT Calculation Summary Sheet 32-1202246-00, "ANO Pressurizer Level Sensing Nozzle Evaluation", December 1990.

EXHIBIT B

The above listed documents contain information which is considered proprietary in accordance with Criteria c, d, and e of the attached affidavit.

ATTACHMENT 3