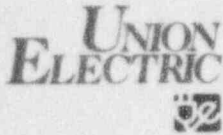


1901 Chouteau Avenue
Post Office Box 149
St. Louis, Missouri 63166
314-621-3222



December 6, 1995

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1-137
Washington, D.C. 20555

ULNRC-03301

Gentlemen:

DOCKET NUMBER 50-483
CALLAWAY PLANT
AMENDMENT NO. 57 PROPRIETARY ASSESSMENT

Reference: ULNRC-2196 dated April 12, 1990

The referenced letter transmitted an amendment request to allow elimination of the reactor coolant system RTD bypass system. This was approved by Amendment No. 57 to the Callaway Facility Operating License NPF-30, dated September 20, 1990.

The attached letter provides the necessary affidavit for closing out the proprietary assessment as it pertains to ABB Combustion Engineering.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. C. Passwater".

A. C. Passwater
Manager, Licensing and Fuels

DES/plr
Attachment

130003

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PDR ADOCK 05000483
P PDR

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11

cc: T. A. Baxter, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N. Street, N.W.
Washington, D.C. 20037

M. H. Fletcher
Professional Nuclear Consulting, Inc.
19041 Raines Drive
Derwood, MD 20855-2432

L. Joe Callan
Regional Administrator
U.S. Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive
Suite 400
Arlington, TX 76011-8064

Senior Resident Inspector
Callaway Resident Office
U.S. Regulatory Commission
RR#1
Steedman, MO 65077

Kristine M. Thomas (2)
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
1 White Flint, North, Mail Stop 13E16
11555 Rockville Pike
Rockville, MD 20852-2738

Manager, Electric Department
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

bcq: D. Shafer/A160.761
/QA Record (CA-758)

E210.01
DFS/Chrono
D. F. Schnell
J. E. Birk
J. V. Laux
R. D. Affolter
G. L. Randolph
R. J. Irwin
P. M. Barrett
J. D. Blosser
A. C. Passwater
D. E. Shafer
W. E. Kahl
S. Wideman (WCNOC)
F. C. Wilks, PE (Bechtel)
H. D. Bono
NSRB (Patty Reynolds)

66 yates

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RETURN COMMENTS TO D. A. OSTRANDER - CODE 470



October 16, 1990
MPS-90-998

Mr. David Ostrander
Union Electric Company
1901 Chouteau Avenue
P. O. Box 149
St. Louis, MO 63166

Subject: **RTD Bypass Elimination Licensing**

Enclosure: Original Affidavit concerning proprietary information for Licensing Report

Reference: (A) CE Letter MPS-90-311, dated 4/9/90
(B) PSE&G Licensing Report S-87-05, "Licensing Report for New Narrow Range Temperature Measurement System (RTD Bypass Elimination), Public Service Electric and Gas, Salem 1 and 2, April 1987

Dear MR. Ostrander:

CE has identified information which we consider proprietary in Union Electric's Licensing Report (Attachment 1 to your amendment application). This information is the same as was previously identified to the NRC as proprietary in PSE&G's Licensing Report for Salem, Reference (A). The docket numbers for the Salem submittals are 50-272/50-311.

Enclosed is an original affidavit for submittal to the NRC supporting CE's proprietary declaration.

If there are any questions on this subject, please call me at (203) 285-2030.

RECEIVED

NOV 02 1990

NUCLEAR ENGR.

JTM/prr D. A. OSTRANDER
JTM008

Very truly yours,

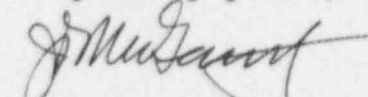

John T. McGarry
Project Manager

ABB Combustion Engineering Nuclear Power

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 and in conjunction with the application of Union Electric Company for withholding this information.

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

Licensing Report S-87-05, "Licensing Report for New Narrow Range Temperature Measurement System (RTD Bypass Elimination) Public Service Electric & Gas Salem 1 & 2, April 1987

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 the design, configuration, and performance of an RTD/thermowell narrow range temperature measurement system that eliminates the RTD bypass loop system, 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 related to the design, configuration, and performance of an RTD/thermowell narrow range temperature measurement system that eliminates the RTD bypass loop system.

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 the design, configuration, and performance of an RTD/thermowell narrow range temperature measurement system that eliminates the RTD bypass loop system, 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.

S. A. Toelle
S. A. Toelle
Manager
Operating Reactor Licensing

Sworn to before me
this 16th day of October, 1990

Laurie J. White
Notary Public

My Commission Expires: 3/31/94