ABB

October 16, 1996
NFBWR-96-086

CENPD-287-P-A
TAC No. M90189

Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Chief, Planning
Program and Management Support Branch

Subject: Transmittal of Approved Licensing Topical Reports: CENPD-287-P-A and CENPD-287-NP-A

r Sir:

Please find as Enclosure I:

1) Twenty three (23) copies of the proprietary Licensing Topical Report: "Fuel Assembly Mechanical Design Methodology for Boiling Water Reactors," CENPD-287-P-A, July 1996.

2) Twelve (12) copies of the non-proprietary Licensing Topical Report: "Fuel Assembly Mechanical Design Methodology for Boiling Water Reactors," CENPD-287-NP-A, July 1996.

The contents of the topical reports have been previously submitted by Reference 1 and have been reviewed and approved by the NRC staff by Reference 2. The enclosed reports are approved versions.

Some material in CENPD-287-P-A contains Combustion Engineering, Inc. Proprietary Information consisting of trade secrets, commercial, or financial information which we consider privileged 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 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.

This material is for your internal use only and may be used only for the purpose for which it is submitted. It should not be otherwise used,

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T008 1/12
Non Prop

ABB CENO Fuel Operations
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disclosed, duplicated, or disseminated, in whole or in part, to any person or organization outside the Office of Nuclear Reactor Regulation without the prior written approval of Combustion Engineering, Inc. Correspondence with respect to the Application for Withholding, should reference this letter and be addressed to:

D. B. Ebeling-Koning
Manager, BWR Fuel Operations
ABB Combustion Engineering
2000 Day Hill Road
Windsor, CT 06095.

Very truly yours,

Derek Ebeling-Koning

D. B. Ebeling-Koning
Manager, BWR Fuel Operations

References:

1. Letter D. B. Ebeling-Koning (ABB) to T. Collins (NRC), "Transmittal for NRC review of CENPD-287-P, 'Fuel Assembly Mechanical Design Methodology for Boiling Water Reactors,'" NFBWR-94-023, June 17, 1994.

2. Letter R. C. Jones (NRC) to D. B. Ebeling-Koning (ABB), "Acceptance for Referencing of Topical Report CENPD-287-P, 'Fuel Assembly Mechanical Design Methodology for Boiling Water Reactors,'" (TAC No. M90189)," May 17, 1996.

Enclosure I: 23 proprietary reports (copy numbers 0001-0023)
12 non-proprietary reports
Enclosure II: Affidavit

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, 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:

> "Fuel Assembly Mechanical Design Methodology for Boiling Water Reactors," CENPD-287-P-A, July 1996.

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, is owned and has been held in confidence by Combustion Engineering. It consists of extensive mechanical design information, data from in-plant irradiation and hot cell examinations, and design methodologies and correlations.

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 light water reactor competitors of Combustion Engineering.

b. Development of this information by Combustion Engineering required millions of dollars and tens of thousands of manhours of effort. 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 extensive analytical calculations and resulting analysis methodology.

d. The information consists of extensive mechanical design information, data from in-plant irradiation and hot cell examinations, and design methodologies and correlations, 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.

e. 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.

f. 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.

Dorck Ebeling-Koning

D. B. Ebeling-Koning
Manager, BWR Fuel Operations
ABB CENO

Sworn to before me
this 30th day of Sept., 1996

Laurie J. White

Notary Public

My commission expires: 8/31/99