

Omaha Public Power District
1623 Harney Omaha, Nebraska 68102-2247
402/536-4000

February 28, 1986
LIC 86-044

Mr. A. Thadani, Project Director
PWR-Directorate #8
Division of PWR - Licensing - B
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Reference: Docket No. 50-285

Dear Mr. Thadani:

CEA Inspection Results Report

Omaha Public Power District, holder of Operating License DPR-40, submits the attached Special Report for Fort Calhoun Station Unit No. 1, titled "End of Cycle 9 CEA Inspection Results and Impact on Cycle 10 Operation". A request for withholding pursuant to 10 CFR 2.790 and the required supporting affidavit are attached. Both proprietary and nonproprietary versions of the report are included. If you have any questions concerning this matter, please contact us.

Sincerely,

J. K. Andrews

R. L. Andrews *for*
Division Manger
Nuclear Production

RLA/JRG/me

Attachment

cc: LeBoeuf, Lamb, Leiby & MacRae
1333 New Hampshire Ave., N.W.
Washington, DC 20036

E. G. Tourigny, NRC Project Manger
P. H. Harrell, NRC Senior Resident Inspector

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BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the matter of

OMAHA PUBLIC POWER DISTRICT
(Fort Calhoun Station,
Unit No. 1)

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Docket No. 50-285

APPLICATION FOR
WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE

Pursuant to Section 2.790(b)(1) of the regulations of the Nuclear Regulatory Commission ("the Commission"), Omaha Public Power District ("the District") submits this application to withhold certain information from public disclosure. Applicant has obtained this information from documents which identify this information as being owned by Combustion Engineering, Inc. (CE). It is the opinion of CE that the information in question contains trade secrets and/or privileged or confidential commercial or financial information. The CE information was purchased by the District under a proprietary information agreement.

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

"Special Report, Fort Calhoun Station Unit No. 1, End of Cycle 9 CEA Inspection Results and Impact on Cycle 10 Operation"

This document has been appropriately designated as proprietary.

This information was obtained by the District from documents for which CE has executed affidavits which set forth the bases on which the information may be withheld from public disclosure by the Commission.

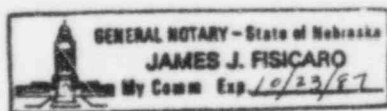
Respectfully Submitted,

OMAHA PUBLIC POWER DISTRICT

By *R. L. Andrews*
R. L. Andrews
Division Manager *fu*
Nuclear Production

Sworn to before me on this
28th day of February 1986

James J. Fisicaro
Notary



AFFIDAVIT PURSUANT

TO 10 CFR 2.790

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

I, A. E. Scherer, depose and say that I am the Director, Nuclear 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 Omaha Public Power District for withholding this information.

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

Attachment 1 to OPPD Letter LIC-86-044, Special Report-Fort Calhoun Station Unit No. 1-End of Cycle 9 CEA Inspection Results and Impact on Cycle 10 Operation

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 a discussion of Control Element Assembly circumferential strain inspection data and design limits, 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 a 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 are 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 thousands of manhours of effort and hundreds 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 development of circumferential strain inspection data and design limits for Control Element Assemblies.

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 a discussion of Control Element Assembly circumferential strain inspection data and design limits, 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.

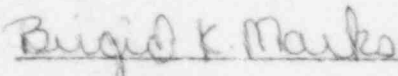
Further the deponent sayeth not.



A. E. Scherer
Director
Nuclear Licensing

Sworn to before me

this 26th day of February



Notary Public

ERIDIO K. MARKS, NOTARY PUBLIC

State of Connecticut No. 73437

Commission Expires March 31, 1990