

January 21, 1998 J.D-98-002

U.S. Nuclear Regulatory Commission Washington, DC 20555 Attn: Document Control Desk

Subject: Slides Used in May 15, 1997 Meeting with NaC; Update on Topical Report Status

Gentlemen:

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ABB Combustion Engineering (ABB-CE) met with the NRC on May 15, 1997 to present a plan for submitting a topical report that justifies extending the 1-pin burnup limit beyond 60 MWd/kgU for ABB-CE's currently approved methods and fuel performance models. The analyses and evaluations that support the request for a burnup extension and preparation of topical report are being performed under the auspicious of the ABB-CE Owners Group (CEOG). The purpose of this letter is to transmit proprietary and nonproprietary versions of the overhead slides presented by ABB-CE on May 15, 1997 and to inform the NRC of the status of the topical report submittal.

In the May 15th meeting, we i dicated that the report would be submitted to the NRC before the end of 1997. Preparation of the report is nearing completion, and we currently anticipate submitting the report for NRC review in January, 1998.

Some of the slides presented in the May 15, 1997 meeting contain proprietary information. The slide package has been designated as document CE NPSD-831-P, and ABB-CE requests that it be withheld from public disclosure pursuant to 10 CFR 2.790 (a) (4). Accordingly, an affidavit attesting to the proprietary content of CE NPSD-831-P is enclosed. Attachment 1 contains a copy of the slide package with proprietary information identified. Attachment 2 contains a non-proprietary version of the slides.





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ABE Combustion Engineering Nuclear Operations

Combustion Engineering, Inc.

P.O. Box 500 2000 Day Hill Road Windsor CT 06095-0500 Should you have questions concerning this submittal, please do not hesitate to call me or Mr. George Hess at (860) 285-5218.

Very truly yours, COMBUSTION ENGINEERING, INC.

Tikan IC. Rickard

Director, Operations Licensing

Enclosures: As stated Attachments: As stated

cc: S. Magruder (NRC)

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AFFIDAVIT PURSUANT

TO 10 CFR 2.790

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 in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations.

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

CE NPSD-831-P, "Slides Used in the Combustion Engineering - NRC Meeting of May 15,1997 Regarding OPTIN[™] Cladding High Burnup Licensing Plan"

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.

 The information sought to be withheld from public disclosure, is owned and has been held in confidence by Combustion Engineering. It consists of fuel performance data for Combustion Engineering's 14x14 and 16x16 fuel assembly designs and sensitive business strategy.

- 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 similar product is manufactured and sold by major pressurized water reactor competitors of Combustion Engineering.
 - 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.

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- In order to acquire such information, a competitor would also require considerable time and inconvenience to develop similar fuel performance data.
- d. The information consists of fuel performance data for Combustion Engineering's 14x14 and 16x16 fuel assembly designs and sensitive business strategy, 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'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's potential for obtaining or maintaining foreign licensees.

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Further the deponent sayeth not.

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I.C. Rickard, Director Operations Licensing

Sworn to before me this 7th day of January . 1997 1998 U. Laurie Notary Public

My commission expires: 8/31/99

Attachinent 1 to LD-98-002

Proprietary Version of Slides presented during the May 15, 1997 Meeting with NRC

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Attachment 2 to LD-98-002 .8

Non-Proprietary Version of Slides presented during the May 15, 1997 Meeting with NRC

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CE NPSD-831

Slides Used in the Combustion Engineering - NRC Meeting of May 15, 1997 Regarding OPTINTM Cladding High Burnup Licensing Plan (Non-Proprietary Version)