



December 3, 1999
LD-1999-0054, Rev. 000

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

ATTN: Chief, Information Management Branch, Division of Inspection and Support Programs

Subject: Submittal of Accepted Topical Report CENPD-389-P-A, "10x10 SVEA Fuel Critical Power Experiments and CPR Correlations: SVEA-96+," September 1999

Reference: NRC letter, C. Carpenter (NRC) to I. Rickard (ABB CENP), May 8, 1999

Gentlemen:

The Reference documented NRC acceptance of topical report CENPD-389-P for referencing in licensing applications, and requested that accepted proprietary and non-proprietary versions be submitted. Accordingly, fifteen (15) copies of the accepted proprietary version (designated CENPD-389-P-A) and twelve (12) copies of the accepted non-proprietary version (designated CENPD-389-NP-A) are enclosed.

The proprietary and non-proprietary reports include the NRC acceptance letter and its enclosed safety evaluation report as required by the Reference.

CENPD-389-P-A contains proprietary information, and ABB CENP requests that it be withheld from public disclosure in accordance with the provisions of 10 CFR 2.790 and that it be appropriately safeguarded. The reasons for classifying this information proprietary are delineated in the enclosed affidavit.

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1/15/99*

ABB Combustion Engineering Nuclear Power

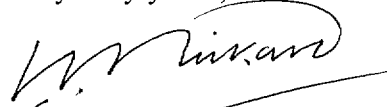
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Should you have questions concerning this matter, please do not hesitate to contact me or George Hess at (860) 285-5218.

Very truly yours,

A handwritten signature in cursive script, appearing to read "I. C. Riekard". The signature is written in black ink and is positioned above the printed name.

I. C. Riekard
Director
Nuclear Licensing

Enclosures: as stated

cc: C. Carpenter (NRC, letter only)
J. Cushing (NRC, letter only)

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

I, I C. Rickard, depose and say that I am the Director, Nuclear Licensing, of ABB Combustion Engineering Nuclear Power, Inc. (ABB CENP), 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:

CENPD-389-P-A, "10X10 SVEA Fuel Critical Power Experiments and CPR Correlations: SVEA-96+," September 1999

This document has been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by ABB CENP 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 ABB CENP. It consists of critical power measurement data, correlation formulation and implementing methodologies, and critical power 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 ABB CENP.
3. The information is of a type customarily held in confidence by ABB CENP and not customarily disclosed to the public. ABB CENP 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 ABB CENP because:
 - a. A similar product is manufactured and sold by major competitors of ABB CENP.
 - b. Development of this information by ABB CENP 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

critical power measurement data, correlation formulation and implementing methodologies, and critical power correlations.

- d. The information consists of critical power measurement data, correlation formulation and implementing methodologies, and critical power 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 ABB CENP, take marketing or other actions to improve their product's position or impair the position of ABB CENP's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.
- e. In pricing ABB CENP's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of ABB CENP'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, nuclear fuel, analyses or other support services by reducing the costs associated with technology development. In addition, disclosure would have an adverse economic impact on ABB CENP's potential for obtaining or maintaining foreign licensees.

Further the deponent sayeth not.



I. C. Rickard, Director
Nuclear Licensing

Sworn to before me
this 3rd day of November, 1999



Notary Public

My commission expires: 8/31/04