

January 6, 2000

Mr. Ian C. Rickard
Director, Nuclear Licensing
ABB Combustion Engineering Nuclear Power, Inc.
P.O. Box 500
2000 Day Hill Road
Windsor, CT 06095-0500

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
ABB COMBUSTION ENGINEERING NUCLEAR POWER, INC.

Dear Mr. Rickard:

By letter dated December 10, 1999, and affidavit dated December 10, 1999, executed by Mr. A. B. Spinell, Jr., you submitted your response to our request for additional information regarding CENPD-387-P, Rev. 00, "ABB Critical Heat Flux Correlations for PWR Fuel," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was not submitted for placement in the NRC public document room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- "6. a. A similar product is manufactured and sold by major competitors of ABB.
- b. Development of this information by ABB required tens of thousands of dollars and thousands of manhours of effort. A competitor would have to undergo similar expense in generating equivalent information.
- c. The information consists of technical data and qualification information for ABB-supplied products, the possession of which provides a competitive economic advantage. The availability of such information to competitors would enable them to design their product to better compete with ABB, take marketing or other actions to improve their product's position or impair the position of ABB's product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.
- d. In pricing ABB'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's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs."

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the additional information submitted in response to the staff's request for additional information regarding CENPD-387-P, Rev. 00, "ABB Critical Heat Flux Correlations for PWR Fuel," marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at (301) 415-1424.

Sincerely,
/ra/

Jack Cushing, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 692

cc: Mr. Charles B. Brinkman, Manager
Washington Operations
ABB Combustion Engineering Nuclear Power
12300 Twinbrook Parkway, Suite 330
Rockville, MD 20852

Therefore, the additional information submitted in response to the staff's request for additional information regarding CENPD-387-P, Rev. 00, "ABB Critical Heat Flux Correlations for PWR Fuel," marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at (301) 415-1424.

Sincerely,
/ra/
Jack Cushing, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 692

cc: Mr. Charles B. Brinkman, Manager
Washington Operations
ABB Combustion Engineering Nuclear Power
12300 Twinbrook Parkway, Suite 330
Rockville, MD 20852

DISTRIBUTION:
File Center
PUBLIC
PDIV-2 Reading
SRichards
MPSiemien, OGC
RCaruso

To receive a copy of this document, indicate "C" in the box										
OFFICE	PDIV-2/PM	C	PDIV-2/LA	C	SRXB/BC	c	OGC	c	PDIV-2/SC	
NAME	JCushing:am		EPeyton		RCaruso		MPSiemien		SDembek	
DATE	12/15 /99		12/14 /99		12/16/99		01/04/00		01/06/00	

DOCUMENT NAME: C:\Proa6109rai.wpd

OFFICIAL RECORD COPY