



General Electric Company
P.O. Box 780, Wilmington, NC 28402
910 675-5000

July 21, 1998

Mr. Cass R. Chappell
Package Certification Section
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

**THIS COPY DOES NOT CONTAIN
GE COMPANY PROPRIETARY
INFORMATION**

Dear Mr. Chappell:

Subject: Application to Revise the Provision for Shipping Loose Fuel Rods Not in a Product Container and Minor Changes to the RA-3 Inner Drawing

Reference: (1) NRC Certificate of Compliance (COC) USA/4986/AF
Docket Number 71-4986
(2) COC 4986, Revision 36, 7/2/98
(3) Supplements dated 6/5/98, 6/25/98 and 7/1/98

GE's Nuclear Energy Production facility in Wilmington, N.C. hereby submits a revision (1) for the shipment of loose rods not shipped in the product container, and (2) to the RA-3 inner container drawing.

General Electric has determined that portions of the information contained in this application are proprietary in nature. Therefore, pursuant to 10CFR2.790(b), the required affidavit, Attachment 1, requests that the information in this submittal designated as proprietary be withheld from public disclosure.

Attachment 2 contains the proprietary version of the criticality safety evaluation for shipping loose rods. A vertical line (l) in the right hand margin indicates where changes to the previously submitted criticality safety evaluations. Only the loose rods not in the product container are affected by the changes. This analysis replaces the previous ones in their entirety and should be placed in the section identified as 8L of the current consolidated application book.

This revision corrects errors in the calculation of the most reactive condition for fuel rod bundle contents (loose rods) when the product container is not used. The maximum allowed number of packages for this content was revised from an infinite array to a finite array size of 5 x 7. The maximum allowed number of packages was determined to be 35 and the transport index is revised from zero to 2.9. The number of fuel rods in each bundle was reduced from 20 to 15.

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As a result of this revision, the discussion of the model for the fuel rod bundle contents without the product container was revised throughout the document. Calculations for this content were added and figures displaying the most reactive conditions were inserted. In addition, the tables of calculation results for both contents with and without the product container were revised to clarify the summary of calculations and results.

Typographical errors and grammatical errors were corrected throughout the document. Additional discussions have been inserted to explain the calculations and results.

All changes from the previous submittals are indicated with a vertical line (|) in the right hand margin of the criticality safety evaluation.

Attachment 3 contains the non-proprietary version of the criticality safety evaluation for shipping loose rods. The proprietary information in this attachment has been deleted and an asterisk (*) has been placed in the right hand column adjacent to where the information has been removed. A vertical line (|) in the right hand margin indicates where changes to the previously submitted criticality safety evaluations have been made. Only the loose rods, not in the product container, are affected by the changes. This analysis replaces the previous ones in their entirety and should be placed in the section identified as 7L of the current consolidated application book.

Attachment 4 is a detailed explanation of the changes made to the drawing for the RA-3 inner container. This drawing can be found in Attachment 6 and should be inserted as a replacement to the existing drawing in Section 3.0 of the consolidation application. Our criticality safety function has reviewed changes to this drawing and have determined that the changes do not affect the criticality safety evaluation.

Attachment 5 is a description of the changes being made in this submittal.

Attachment 6 are the replacement pages that should be inserted in the appropriate sections of the consolidation application book.

The following is suggested wording that may be used in the Conditions of the COC.

Under 5.(a)(3) Drawings. Change drawing 769E231 revision to Revision 8.

Under 5.(b)(2)(iii) Contents. Change the maximum number of fuel rods allowed to be positioned within one side of the channel of the inner container from 20 to 15.

Under 5.(c). Change the transport index "For the contents described in 5(b)(1)(v), and limited in 5(b)(2)(iii):" from 0.0 to 2.9.

This supplement application should be referenced under References on the last page of the COC.

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Ten (10) copies of this application are being provided for your use. Two of these copies have had the proprietary information removed and are so marked.

Please contact Rick Foleck on (910)675-6299 or me on (910) 675-5950 if you have any questions or would like to discuss this matter further.

Sincerely,

GE NUCLEAR ENERGY



Scott P. Murray
Manager
Facility Licensing

/zb
attachments

cc: SPM 98-026

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Attachment 1
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Attachment 1

Affidavit of
Proprietary Information

GENERAL ELECTRIC COMPANY
(GE)

AFFIDAVIT

I, Charles M. Vaughan, being duly sworn, depose and state as follows:

- (1) I am the Manager, Strategic Planning & Policies, at the GE Nuclear Energy Production facility in Wilmington, N.C., and have been delegated the function of reviewing the information described in paragraph 2 which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in portions of the letter to revise the provisions for loose rods to be shipped in the RA Packaging dated July 21, 1998, to Mr. Cass R. Chappell (NRC) from Mr. Scott P. Murray (GE), and has been identified as "GE COMPANY PROPRIETARY INFORMATION". The information contains details supporting an application for revision of radioactive material packaging NRC Certificate of Compliance USA/4986/AF.
- (3) In making this application for withholding of proprietary information of which it is the owner, GE relies upon the exemption from disclosure set forth in the Freedom of Information act ("FOIA"), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4) and 2.790(a)(4) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies;
 - b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;

- c. Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of General Electric, its customers, or its suppliers;
- d. Information which reveals aspects of past, present, or future General Electric customer-funded development plans and programs, of potential commercial value to General Electric;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraph (4)b., above.

- (5) The information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily held in confidence by GE, and is in fact so held. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in (6) and (7) following. The information sought to be withheld has to the best of my knowledge and belief, consistently been held in confidence by GE, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within GE is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his delegate), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GE are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.

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Attachment 1

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- (8) The information identified in paragraph (2) is classified as proprietary because it contains the data and details of the analytical models used in performing the criticality safety calculations, the results of which are part of the justification of safety.

The development of the criticality safety analyses was achieved at a significant cost to GE.

The development of the evaluation process along with the interpretation and application of the analytical results is derived from the extensive experience database that constitutes a major GE asset.

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GE's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GE's comprehensive BWR safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

The research, development, engineering, analytical, and NRC review costs comprise a substantial investment of time and money by GE.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

GE's competitive advantage will be lost if its competitors are able to use the results of the GE experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to GE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in development of these very valuable analytical tools.

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Attachment 2

Proprietary Version of the "Criticality Safety Evaluation -
RA-3 Fuel Bundle Contents" Dated 7/21/98

(A vertical line (I) has been placed in the right hand column adjacent to
where information has been changed or added from the last submittal)

This analysis replaces the previous ones in their entirety and should be placed
in the section identified as 8L of the current consolidated application book.