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Clinton Power Station
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RS-03-048

10 CFR 50.90

March 7, 2003

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington D. C. 20555-0001

SUBJECT: Clinton Power Station, Unit 1
Facility Operating License No. NPF-62
NRC Docket No. 50-461

Additional Information in Support of Request for Amendment to Technical Specification 3.2.2, "Minimum Critical Power Ratio (MCPR)," Addition of New Surveillance Requirement

REFERENCE: Letter from Keith R. Jury to U. S. NRC, "Request for Amendment to Technical Specification 3.2.2, "Minimum Critical Power Ratio (MCPR)," Addition of a New Surveillance Requirement," dated July 31, 2002

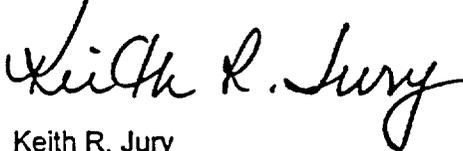
In the above referenced letter, AmerGen Energy Company (AmerGen), LLC submitted a request for a change to Appendix A, Technical Specifications (TS), of Facility Operating License No. NPF-62 for Clinton Power Station (CPS). Specifically, the proposed change would add a surveillance requirement to TS 3.2.2, "Minimum Critical Power Ratio (MCPR)," that would require determination of the MCPR limit following performance of control rod scram time testing. The new SR will require determination of the operating limit MCPR based on the scram time results. The operating limit MCPR can be revised as a result of the use of "Option B" scram times and the cycle specific analysis performed in support of current cycle 9 operations. The NRC, in support of their review of the referenced amendment request, has requested a copy of the CPS cycle-specific analysis for the Option B scram times. The requested GE report, GE-NE-0000-0000-7456-01, "Option B Scram Times For Clinton Power Station," dated February 2003, is provided in Attachment 1 to this letter.

Attachment 1 contains proprietary information and AmerGen requests that it be withheld from public disclosure in accordance with 10 CFR 2.790, "Public Inspections, Exemptions, Requests for Withholding," paragraph (a) (4). The proprietary information is marked with brackets. Attachment 2 provides the affidavit supporting the request for withholding the proprietary information in Attachment A from public disclosure, as required by 10 CFR 2.790, paragraph (b)(1). Attachment 3 contains a non-proprietary version of Attachment 1.

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Should you have any questions related to this information, please contact Mr. Timothy A. Byam at (630) 657-2804.

Sincerely,

A handwritten signature in black ink that reads "Keith R. Jury". The signature is written in a cursive style with a large initial 'K'.

Keith R. Jury
Director – Licensing and Regulatory Affairs
Mid-West Regional Operating Group
AmerGen Energy Company, LLC

Attachments:

1. General Electric Report GE-NE-0000-0000-7456-01, "Option B Scram Times for Clinton Power Station," dated February 2003 (Proprietary Version)
2. Affidavit
3. General Electric Report GE-NE-0000-0000-7456-01, "Option B Scram Times for Clinton Power Station," dated February 2003 (Non-Proprietary Version)

cc: Regional Administrator – NRC Region III
NRC Project Manager, NRR – Clinton Power Station
NRC Senior Resident Inspector – Clinton Power Station
Office of Nuclear Facility Safety – Illinois Department of Nuclear Safety

bcc: Manager of Energy Practice – Winston & Strawn
Director – Licensing, Mid-West Regional Operating Group
Manager – Licensing, Clinton Power Station (MWROG)
Site Vice President – Clinton Power Station
Plant Manager – Clinton Power Station
Regulatory Assurance Manager – Clinton Power Station
Brenda Fore, Clinton Power Station (Hard Copy)
Brenda Fore, Clinton Power Station (Electronic Copy)
Document Control Desk Licensing (Hard Copy)
Document Control Desk Licensing (Electric Copy)
Ron Frantz, Clinton Power Station (NSRB Coordinator)
Jeffrey A. Miller, Clinton Power Station

ATTACHMENT 2

Affidavit

General Electric Company

AFFIDAVIT

I, George B. Stramback, state as follows:

- (1) I am Project Manager, Regulatory Services, General Electric Company ("GE") 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 the GE proprietary report GE-NE-0000-0000-7456-01, *Option B Scram Times for Clinton Power Station*, Class III (GE Proprietary Information), dated February 2003. The proprietary information is delineated by double underlines inside square brackets.
- (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), 2.790(a)(4), and 2.790(d)(1) 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 both paragraphs (4)a. and (4)b., above.

- (5) The information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GE, and is in fact so held. 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 NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (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.
- (8) The information identified in paragraph (2), above, is classified as proprietary because it contains details about the GE developed analytical process for calculating scram speed to support improved BWR plant operating limits. The development of this process was achieved at a significant cost, on the order of fifty thousand dollars, 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.

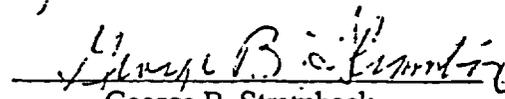
The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

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 developing these very valuable analytical tools.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 17th day of February, 2003.


George B. Stramback
General Electric Company

ATTACHMENT 3

**General Electric Report GE-NE-0000-0000-7456-01,
"Option B Scram Times for Clinton Power Station,"
dated February 2003 (Non-Proprietary Version)**