

71-9001



CHEM-NUCLEAR SYSTEMS, LLC

140 Stoneridge Drive • Columbia, South Carolina 29210 • (803) 256-0450

8-Jun-99

579-066-99

Mr. Cass R. Chappell, Section Chief
Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety and Safeguards, NMSS
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Chappell:

SUBJ: CONSOLIDATED SAFETY ANALYSIS REPORT FOR THE IF-300, C OF C 9001

Enclosed is our application for the revision to the Consolidated Safety Analysis Report (CSAR) for the IF-300, Certificate of Compliance No. 9001. We request that you approve the revision to the CSAR and revise the Certificate for IF-300 to reflect the following changes:

1. Chem-Nuclear is revising the CSAR to reflect the change in principal owner authorized in Revision 32 to the IF-300 Certificate of Compliance (C of C)
2. We are revising the CSAR to include additional fuel types with higher enrichment and higher burnup than are currently authorized. The PWR fuel type is the same as currently authorized with the revision addressing an increase in the enrichment to 4.65% and an increase in the burnup to 50,000 MWD/MTU. This higher enriched PWR fuel is limited to six (6) fuel bundles with the center basket location left empty. For the BWR fuel, the revision addresses an increase in the enrichment to 4.25% and an increase in the burnup to 45,000 MWD/MTU for the 8x8 and 9x9 BWR fuel types. The 8X8 BWR fuel types are similar to those currently authorized except for the water rod designs. The 9X9 BWR fuel type is not currently authorized in the CSAR. The details of the fuel types and the analyses demonstrating these fuel types meet requirements is contained in Appendix D, which makes up Volume IV of the CSAR. Appendix D is provided as a non-proprietary document. Replacement pages for Appendix D, which contain proprietary data, are also provided as a separate attachment.
3. We are revising Volume I of the CSAR to reflect the additional fuel types authorized for shipment. There are no proprietary data in Volume I.

There are several attachments to this letter, including the CSAR revision pages themselves. The following is a discussion of the content and purpose of each attachment.

Attachment 1: A directory of changes to the CSAR showing which pages should be replaced from Rev. 4 and the pages to be added to create Rev. 5.

Attachment 2: The replacement pages for Volume I. (Non-proprietary)

Attachment 3: Appendix D, Volume IV (Non-proprietary)

Attachment 4: Draft revised C of C. The draft shows the new fuel types as a Group III. In addition, the Group I and II tables have been revised to be consistent in content with

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PDR ADOCK 07109001
B PDR

change: LA 4 0
PM 1 0
Mr. Encl.

//
NTU)

previously approved values. The restriction (Note b) of the Group III BWR fuel to Models 303 & 304 is due to a commercial agreement between the owner of those casks and the fuel manufacturer for use of the manufacturer's proprietary data.

Attachment 5: Proprietary Data Pages – replacement pages for Appendix D of the CSAR that contain proprietary data.

Attachment 6: Affidavits on the basis for withholding data from public disclosure.

We request completion of action on this request by December 1999 to allow appropriate management of fuel meeting the requirements of the new Group III. One user of the cask needs to ship Group III fuel in the third quarter of 2000 to preclude loss of full core discharge capacity. This need stems from the U.S. Department of Energy's failure to begin taking spent fuel in 1998 as required by the Nuclear Waste Policy Act of 1982, as amended, and by its contracts with the nuclear utilities. NRC action on this application is requested in 1999 to allow sufficient time for installation of alternative storage capacity should the requested revision be denied.

Should you or members of your staff have any questions about the application, please feel free to contact me at (803)758-1898.

Sincerely,



Mark S. Whittaker, CHP
Senior Project Analyst

Attachments:

- (1) Directory of Rev. 5 Changes
- (2) Rev. 5 Change Pages for Volume I
- (3) Appendix D
- (4) Draft C of C
- (5) Proprietary Data Pages
- (6) Affidavits

ATTACHMENT 6

AFFIDAVITS

SIEMENS

June 1, 1999
VNG:99:133

Mr. R. E. Oliver, OHS-985
Project Engineer, PWR Fuel
Carolina Power & Light Company
410 South Wilmington Street.
Raleigh, NC 27601

Dear Rudy:

Affidavit for Transmittal of Proprietary SPC Information to the NRC

Transmitted hereunder is the affidavit for transmittal of the proprietary SPC information contained in document NEDO-10084-5 entitled "IF-300 Shipping Cask Consolidated Safety Analysis Report." In addition, SPC has reviewed Appendix D to the above noted document. Enclosed are pages showing SPC comments.

Very truly yours,



V. N. Gallacher
Project Manager

Enclosures

Siemens Power Corporation

2101 Horn Rapids Road
Richland, WA 99352

Tel: (509) 375-8100
Fax: (509) 375-8402

6. This Document contains information which is vital to a competitive advantage of SPC and would be helpful to competitors of SPC when competing with SPC.

7. The disclosure of the proprietary information contained in this Document to a competitor would permit the competitor to reduce its expenditure of money and manpower and to improve its competitive position.

8. This Document contains proprietary information which is held in confidence by SPC and is not available in public sources.

9. In accordance with SPC's policies governing the protection and control of information, proprietary information contained in this Document has been made available, on a limited basis, to others outside SPC only as required and under suitable agreement providing for nondisclosure and limited use of the information.

10. SPC policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

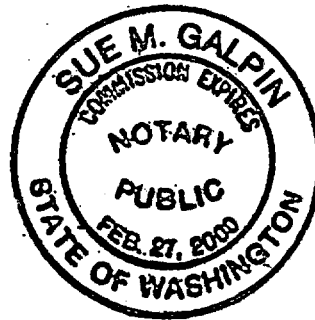
11. The foregoing statements are true and correct to the best of my knowledge, information, and belief.

Jerald S. Helm

SUBSCRIBED before me this 1st
day of June, 1999.

Sue M. Galpin

Sue M. Galpin
NOTARY PUBLIC, STATE OF WASHINGTON
MY COMMISSION EXPIRES: 02/27/00





received
6-3-99 ABK

File: 1203-01 (ltr watt)

GE Nuclear Energy

William H. Hetzel
Fuel Project Manager

Nuclear Fuel Product Management
General Electric Company
Castle Hayne Rd., P.O. Box 780, M/C A33
Wilmington, NC 28401-0780
910 675-5907, DC: 8*292-5907, Fax: 910 675-5684
Pager: 910 371-8190, Bill.Hetzel@gene.ge.com

May 28, 1999
WHH:99-038

Copies: RK Kunita (original)
DC Potrelski (tr)
MJ DeVoe (tr only)
JT Siphers (tr only)

Ms. A. T. Kremer - OHS 9B5
Carolina Power & Light Company
412 S. Wilmington St.
Raleigh, NC 27601-1849

Subject: Affidavit for Proprietary Cask Information

Reference: Letter, Ann T. Kremer to W. H. Hetzel, "CP&L IF-300 Cask Re-Licensing Submittal", May 17, 1999

Dear Ann:

Attached, per your request, is the original Affidavit signed by Glen Watford affirming the proprietary nature of the highlighted information in NEDO-10084-5 (April 1999). This affidavit has been fully executed and is being sent to maintain the proprietary nature of GE's fuel design information. Further, GE agrees that the maximum initial U content of GE7 through GE10 and GE13 fuel assembly is not proprietary information.

Very truly yours,

William H. Hetzel
Fuel Project Manager



Affidavit

I, Glen A. Watford, being duly sworn, depose and state as follows:

- (1) I am Manager, Nuclear Fuel Engineering, 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 letter, *NEDO-10084-5, IF-300 Shipping Cask Safety Analysis Report, April 1999*.
- (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 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. 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 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.
- (8) The information identified in paragraph (2) is classified as proprietary because it contains details of GE's fuel designs and the corresponding results which GE has applied to actual core designs with GE's fuel.

The development of the methods used in these analyses, along with the testing, development and approval of the supporting methodology was achieved at a significant cost, on the order of several million dollars, to GE.

- (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 fuel design 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

Affidavit

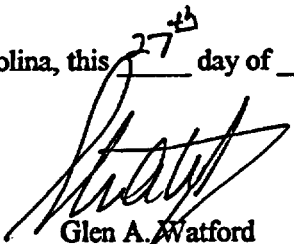
a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

State of North Carolina)
County of New Hanover) SS:

Glen A. Watford, being duly sworn, deposes and says:

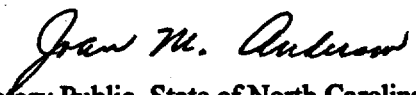
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Wilmington, North Carolina, this 27th day of May, 19 99



Glen A. Watford
General Electric Company

Subscribed and sworn before me this 27th day of May, 19 99



Notary Public, State of North Carolina

My Commission Expires 10/08/2001

ATTACHMENT 1

DIRECTORY OF CHANGES