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FILE NUMBER

TO: Mr. Edson G. Case

FROM: Leboeuf, Lamb, Leiby & MacRae  
Washington, D. C.  
LeBoeuf, Lamb, Leiby & MacRae

DATE OF DOCUMENT  
1/6/78

DATE RECEIVED  
1/9/78

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DESCRIPTION

ENCLOSURE

Requesting withholding pursuant to  
to Section 2.790... ~~trans the following:~~

*Withholding granted per [unclear] 5-15-77*

License No. DPR-18 Appl for Amend: tech  
specs proposed change concerning operation  
of the ~~Ginna~~ <sup>SUBJECT FACILITY</sup> plant in connection with the  
commencement of Fuel Cycle 8...w/att  
Affidavit..notorized 12/22/77...and ~~report~~ <sup>REPORT</sup>  
entitled "R. E. Ginna Reload Fuel Design"  
XN-NF-77-52 (P).....

17 = XN - NF - 77 - 52(P)

(2-P)

(3-P)+(1")

SE6  
not

RJL 1/9/78

PLANT NAME: R. E. Ginna 1

CY#37-40 - Storage  
1 CY AFF. Rec'd  
40 CYS ENCL Rec'd

DIST. PER S. SHEPPARD

SAFETY

FOR ACTION/INFORMATION

BRANCH CHIEF: (7)

Schwenger - CY #14 - 20  
+ 1 CY AFF.

INTERNAL DISTRIBUTION

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- SHAO - CY # 8
- BAER - CY # 9
- BITTLER - CY # 10
- BRIMES - CY # 11
- U. COLLINS - CY # 12
- U. MCGOUGH - CY # 13
- R. Diggs - LTR & AFF.

EXTERNAL DISTRIBUTION

CONTROL NUMBER

LPDR: Rochester, N.Y. - LTR

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ACRS 16 CYS SENT CATEGORY S. Sheppard FOR ACRS

1 CY # 21 - 36

780090127

APZ



DOCKET NO. 50-244  
DATE: 1-9-78

NOTE TO NRC AND/OR LOCAL PUBLIC DOCUMENT ROOMS

The following item submitted with letter dated 1-6-78  
from LEBOEUF, Lamb, Leiby + MACRAE being withheld from  
public disclosure, pending review, in accordance with Section 2.790.

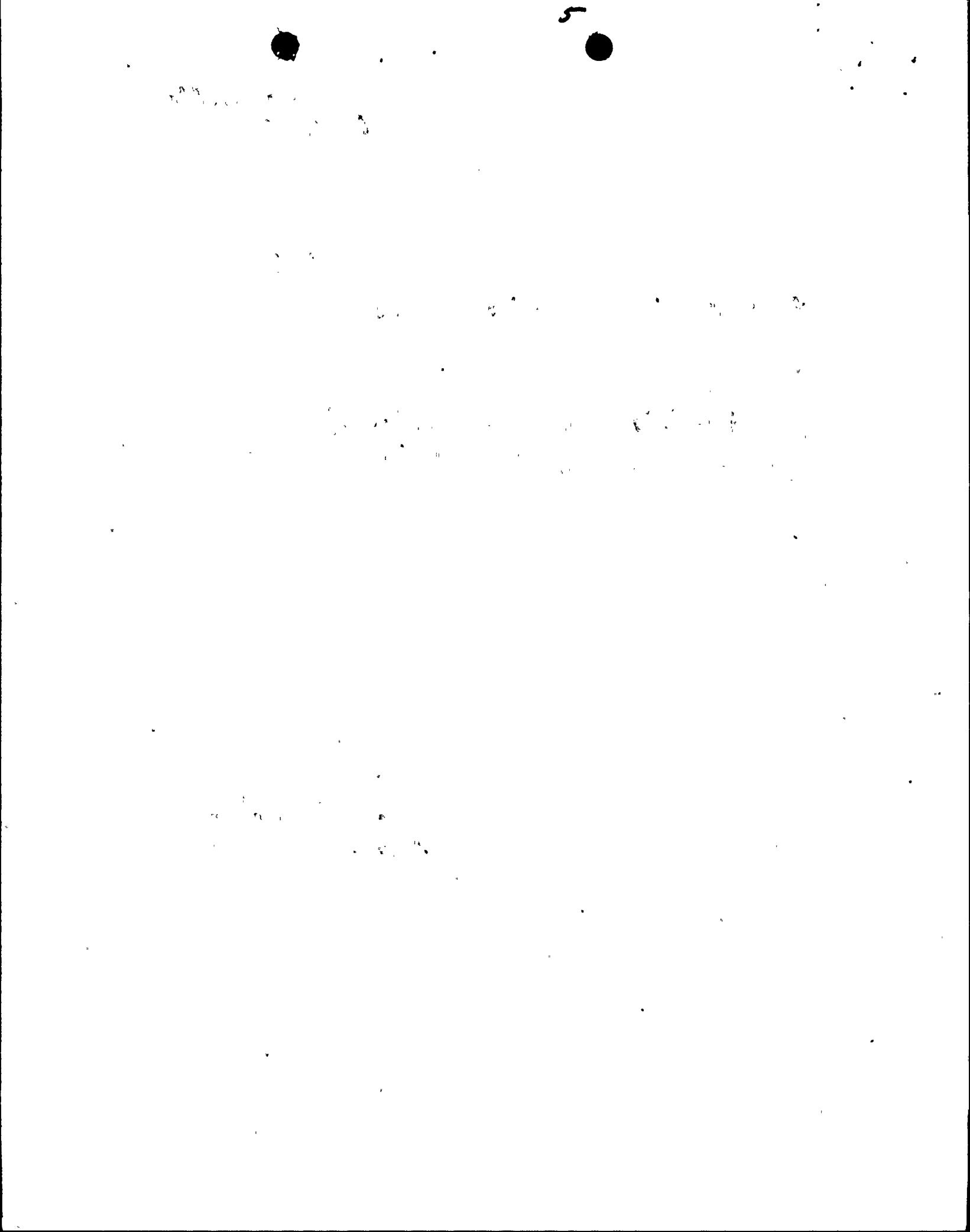
PROPRIETARY INFORMATION

XN-NF-77-52-P - R. E. GINNA  
RELOAD FUEL DESIGN

Dow Louham  
016

~~Regulatory File Room~~

DDC  
DSB



LEBOEUF, LAMB, LEIBY & MACRAE

1757 N STREET, N.W.  
WASHINGTON, D.C. 20036

TELEPHONE 202 457-7500

CABLE ADDRESS

LEBWIN, WASHINGTON, D.C.

TELEX: 440274

RANDALL J. LEBOEUF, JR. 1929-1975  
ADRIAN C. LEIBY 1952-1976

LEON A. ALLEN, JR.  
JOSEPH E. BACHELDER, III  
ERNEST S. BALLARD, JR.  
G. S. PETER BERGEN  
GEOFFREY D. C. BEST  
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EUGENE B. THOMAS, JR.  
LEONARD M. TROSTEN  
HARRY H. VOIGT  
H. RICHARD WACHTEL  
GERARD P. WATSON

OF COUNSEL

ARVIN E. UPTON

140 BROADWAY  
NEW YORK, N.Y. 10005  
TELEPHONE 212 269-1100

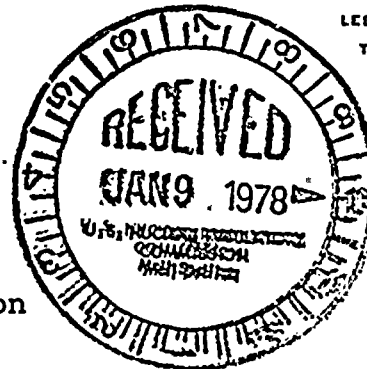
CABLE ADDRESS

LEBWIN, NEW YORK

TELEX: 423416

January 6, 1978

\*RESIDENT PARTNERS WASHINGTON OFFICE  
‡ADMITTED TO THE DISTRICT OF COLUMBIA BAR



Mr. Edson G. Case  
Acting Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Rochester Gas and Electric Corporation  
R. E. Ginna Nuclear Power Station, Unit No. 1  
Docket No. 50-244

Dear Mr. Case:

As counsel for Rochester Gas and Electric Corporation, we hereby transmit three (3) signed originals and nineteen (19) copies of a document entitled, "Application for Amendment to Operating License." This Application seeks to amend the Technical Specifications set forth in Appendix A to Provisional Operating License No. DPR-18 to permit operation of the Ginna plant in connection with the commencement of Fuel Cycle 8. The proposed technical specifications changes are set forth in Attachment A to this Application, and a safety evaluation is set forth in Attachment B. Forty (40) copies of these two documents are transmitted herewith.

Attachment B references a report XN-76-40 and Addendum. That report is a topical report which was submitted to the NRC by Exxon Nuclear Company in February 1977. Attachment B also refers to a report entitled "R. E. Ginna Nuclear Plant Cycle 8 Safety Analysis Report - December 1977" prepared by Exxon Nuclear Company, Inc. (XN-NF-77-53). Forty (40) copies of that report are supplied herewith.:

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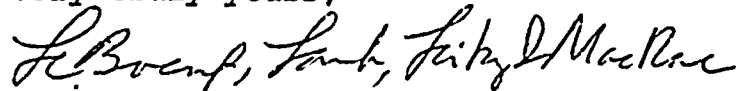
The report XN-NF-77-53 references in turn three other reports prepared by Exxon Nuclear Company, as follows:

1. XN-NF-77-40, "Plant Transient Analysis for the R. E. Ginna Unit 1 Nuclear Power Plant," November 1977;
2. XN-NF-77-58, "ECCS Analysis for the R. E. Ginna Reactor with ENC WREM-2 PWR Evaluation Model," December 1977;
3. XN-NF-77-52(P), "R. E. Ginna Reload Fuel Design," December 1977.

Forty (40) copies of each of these reports are also transmitted with this letter. XN-NF-77-52(P), listed above as item (3), contains information of a proprietary and confidential nature to Exxon Nuclear Company, Inc. Accordingly, the Applicant requests that XN-NF-77-52(P) be withheld from public disclosure in accordance with Sections 2.790 and 9.5 of the Commission's regulations. The basis for our request for confidential treatment is set forth in detail in the enclosed affidavit of Roy Nilson, sworn to on December 22, 1977.

Finally, a Certificate of Service is also enclosed.

Very truly yours,



LeBoeuf, Lamb, Leiby & MacRae  
Attorneys for Rochester Gas  
and Electric Corporation







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

7. The information contained in the Document is considered to be proprietary by ENC because it reveals certain distinguishing aspects of fuel design and fuel design methods which secure competitive economic advantage to ENC by design optimization and improved marketability, and includes information utilized by ENC in its business which affords ENC an opportunity to obtain a competitive advantage over its competitors who do not or may not know or use the information contained in the Document.

8. The disclosure of the proprietary information contained in the Document to a competitor would permit the competitor to reduce its expenditure of money and manpower and to improve its competitive position by giving it extremely valuable insights into ENC's analysis, testing, design and manufacturing procedures and would result in substantial harm to the competitive position of ENC.

9. The Document contains proprietary information which is held in confidence by ENC and is not available in public sources.

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

11. ENC policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis. Checks are made routinely to assure the policy procedures are being met.

12. This Document provides a composite of a major portion of the mechanical fuel design technology developed by ENC over the past several years. ENC has invested several million dollars and many man-years of effort in developing this information. Assuming a competitor had available the same background data and incentives as ENC, the competitor might, as a minimum cost, develop the information for the same expenditure of manpower and money as ENC.

13. Based on my experience in the industry, I do not believe that the background data and incentives of ENC's competitors are sufficiently similar to the corresponding background data and incentives of ENC that it is reasonable to expect such competitors would be in a position to duplicate ENC's proprietary information contained in the documents.

THAT the statements made hereinabove are, to the best of my knowledge, information, and belief, truthful and complete.

FURTHER AFFIANT SAYETH NOT.

Roy Wilson

SWORN TO AND SUBSCRIBED

before me this 22<sup>nd</sup> day of

Dec., 1977.

Helares H. Lund  
NOTARY PUBLIC

2

SECRET

