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New York Power Authority

William J. Cahill, Jr.
Chief Nuclear Officer

June 29, 1995
JPN-95-032

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1-137
Washington, DC 20555

Subject: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Submittal of Plant Specific Licensing Topical Report for Long-Term Solution on Reactor Stability (Generic Letter 94-02)

References:
1) "BWR Owners Group Long-Term Stability Solutions Licensing Methodology," NEDO-31960, June 1991, and NEDO-31960 Supplement 1, March 1992.

2) NYPA letter, W. J. Cahill, Jr. to NRC (JPN-94-046), "Response to Generic Letter 94-02 Regarding Thermal-Hydraulic Instabilities in Boiling Water Reactors," dated September 9, 1994.

Dear Sir:

This letter transmits the plant specific Licensing Topical Report (LTR) for the James A. FitzPatrick Nuclear Power Plant which contains the final analysis to demonstrate the application of the "Regional Exclusion with Flow-Biased APRM Neutron Flux Scram" Stability Solution (Option 1-D) of Reference 1. The LTR concludes that compliance with the applicable General Design Criterion is met with the Option 1-D solution for the FitzPatrick plant. This submittal is in response to commitment JPN-94-046-04 (Reference 2).

The Authority stated in Reference 2 that the Option 1-D solution will be augmented with the installation of an on-line stability monitor, and that a description of this monitor would be included in the plant specific LTR. Since Reference 2 was submitted, additional on-line stability monitoring products have become available. Because the Authority is currently selecting the type of monitor to be implemented at the FitzPatrick plant, this description is not included in this submittal.

A description of the on-line stability monitor and proposed Technical Specification changes resulting from the implementation of Option 1-D will be submitted to the NRC by March 31, 1996. There are no changes to the remaining long-term actions described in Reference 2.

Apol 1 Prop Change: NRC for 1 INP
Ltr Encl
1 INP

The Licensing Topical Report is submitted as Attachment 1. In accordance with the provisions of 10 CFR 2.790, this report contains proprietary information which should be withheld from public disclosure. Attachment 2 is the General Electric affidavit attesting to this proprietary information. A non-proprietary copy of the LTR is provided in Attachment 3. The Authority's commitments associated with this submittal are summarized in Attachment 4.

If you have any questions, please contact Mr. A. Zaremba.

Very truly yours,

William J. Cahill, Jr.
Chief Nuclear Officer

Attachments: As stated

cc: Regional Administrator
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Office of the Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 136
Lycoming, NY 13093

Mr. C. E. Carpenter, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
U.S. Nuclear Regulatory Commission
Mail Stop 14 B2
Washington, DC 20555

ATTACHMENT II TO JPN-95-032

General Electric Company
Affidavit of Mr. George B. Stramback With Respect to Proprietary Information

New York Power Authority

JAMES A. FITZPATRICK NUCLEAR POWER PLANT
Docket No. 50-333
DPR-59

General Electric Company

AFFIDAVIT

I, George B. Stramback, being duly sworn, depose and state as follows:

(1) I am Project Manager, Licensing 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 GENE-637-044-0295, *Application of the "Regional Exclusion With Flow-Biased APRM Neutron Flux Scram" Stability Solution (Option I-D) to the James A. FitzPatrick Nuclear Power Plant*, Class III (GE Proprietary Information), dated February 1995. The proprietary information is delineated by bars marked in the margin adjacent to the specific material.

(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)b. and (4)d., 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 detailed results of analytical models, methods and processes, including computer codes, which GE has developed, obtained NRC approval of, and applied to perform thermal hydraulic stability performance evaluations for the BWR.

The development and approval of the stability analysis computer codes used in this analysis was achieved at a significant cost, in excess of one-half million 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.

STATE OF CALIFORNIA)
) ss:
COUNTY OF SANTA CLARA)

George B. Stramback, being duly sworn, deposes and says:

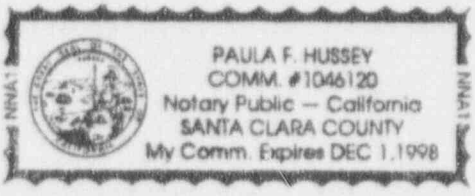
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at San Jose, California, this 28th day of February 1995.

George B. Stramback

George B. Stramback
General Electric Company

Subscribed and sworn before me this 28th day of February 1995.



Paula F. Hussey

Notary Public, State of California

ATTACHMENT III TO JPN-95-032

Application of the "Regional Exclusion With Flow-Biased APRM Neutron Flux Scram" Stability Solution (Option 1-D) to the James A. FitzPatrick Nuclear Power Plant

Licensing Topical Report

NON-PROPRIETARY COPY

New York Power Authority

JAMES A. FITZPATRICK NUCLEAR POWER PLANT
Docket No. 50-333
DPR-59

GENE-637-044-0295
DRF A00-04021
Class III

APPLICATION OF THE "REGIONAL EXCLUSION WITH FLOW-BIASED APRM NEUTRON FLUX SCRAM" STABILITY SOLUTION (OPTION I-D) TO THE JAMES A. FITZPATRICK NUCLEAR POWER PLANT

Licensing Topical Report

February 1995

Prepared by

GE Nuclear Energy

Approved by: J.S. Post, Project Manager
System Integration Engineering Projects