

Public Service
Electric and Gas
Company

E. C. Simpson

Senior Vice President - Nuclear Engineering

Public Service Electric and Gas Company

P.O. Box 236, Hancocks Bridge, NJ 08038

609-339-1700

JAN 27 1999

LR-N99053
LCR H98-06

United States Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

Gentlemen:

**SUPPLEMENT TO A REQUEST FOR CHANGE TO TECHNICAL SPECIFICATIONS
SAFETY LIMIT MINIMUM CRITICAL POWER RATIO (SLMCPR)
HOPE CREEK GENERATING STATION
FACILITY OPERATING LICENSE NPF-57
DOCKET NO. 50-354**

This letter provides supplemental information concerning Public Service Electric & Gas (PSE&G) Company's License Change Request (LCR) H98-06, which was sent to the NRC via letter LR-N98404, dated August 25, 1998. LCR H98-06 proposed Technical Specification changes that implement an appropriately conservative Safety Limit Minimum Critical Power Ratio (SLMCPR) for the upcoming Cycle 9 Hope Creek core and fuel designs. Justification for the proposed changes was developed from General Electric SLMCPR analyses performed to address SLMCPR issues identified in a 10CFR21 notification made by General Electric on May 24, 1996.

As a result of discussions held with the NRR Hope Creek Project Manager, additional information concerning LCR H98-06 is being provided in Attachment 1 of this letter. Pursuant to Attachment 2 of this letter, this submittal contains proprietary information in Attachment 1, which is indicated by use of double brackets. Since the information contained in Attachment 1 should be withheld from public disclosure, a non-proprietary version of Attachment 1 is provided in Attachment 3 of this letter.

PSE&G has determined that the information contained in this letter, and its attachments, do not alter the conclusions reached in the 10CFR50.92 No Significant Hazards analysis previously submitted with LCR H98-06.

In accordance with 10CFR50.91(b)(1), a copy of this submittal has been sent to the State of New Jersey.

**ATTACHMENT 1 OF THIS LETTER CONTAINS PROPRIETARY INFORMATION
- NOT FOR PUBLIC DISCLOSURE -**

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Change: NRC PDR

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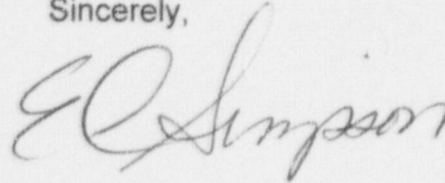
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LR-N99053

-2-

Should you have any questions regarding this request, please contact James Priest at (609) 339-5434.

Sincerely,



Affidavit
Attachments (3)

C Mr. H. Miller, Administrator - Region I
U. S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Mr. R. Ennis
Licensing Project Manager - Hope Creek
U. S. Nuclear Regulatory Commission
One White Flint North
Mail Stop 14E21
11555 Rockville Pike
Rockville, MD 20852

Mr. S. Pindale (X24)
USNRC Senior Resident Inspector - HC

Mr. K. Tosch, Manager IV
Bureau of Nuclear Engineering
P. O. Box 415
Trenton, NJ 08625

ATTACHMENT 1 OF THIS LETTER CONTAINS PROPRIETARY INFORMATION
- NOT FOR PUBLIC DISCLOSURE -



95-4933

STATE OF NEW JERSEY)
COUNTY OF SALEM) SS.

E. C. Simpson, being duly sworn according to law deposes and says:

I am Senior Vice President - Nuclear Engineering of Public Service Electric and Gas Company, and as such, I find the matters set forth in the above referenced letter, concerning Hope Creek Generating Station, Unit 1, are true to the best of my knowledge, information and belief.

EC Simpson

Subscribed and Sworn to before me
this 27th day of January 1999

Kimberly J. Brown
Notary Public of New Jersey

My Commission expires on June 16, 2003

GENERAL ELECTRIC AFFIDAVIT



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 Attachment 1 to PSE&G letter LR-N99053, LCR H98-06 *Supplement to a Request for Change to Technical Specifications Safety Limit Minimum Critical Power Ratio (SLMCPR), Hope Creek Generating Station, Facility Operating License NPF-57, Docket No. 50-354*.
- (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 stability analysis 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.

Affidavit

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.

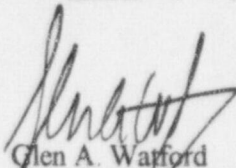
The value of this information to GE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of 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 North Carolina)
County of New Hanover) SS:

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

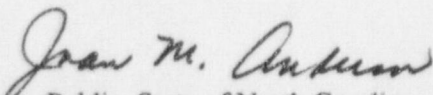
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Wilmington, North Carolina, this 22nd day of January, 19 99



Glen A. Watford
General Electric Company

Subscribed and sworn before me this 22nd day of January, 19 99


Notary Public, State of North Carolina

My Commission Expires 10/08/2001

Hope Creek Cycle 9 Safety Limit Minimum Critical Power Ratio:

The following information is being provided for the Hope Creek Cycle 9 Safety Limit MCPR:

Parameter	Generic GE9	Hope Creek Cycle 7	Hope Creek Cycle 8	Hope Creek Cycle 9
[[
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SLMCPR	1.07	1.08	1.10	1.09

[[GENE Proprietary Information]]
[[enclosed by double brackets]]