

# GENERAL ELECTRIC

NUCLEAR ENERGY BUSINESS OPERATIONS  
GENERAL ELECTRIC COMPANY • 175 CURTNER AVENUE • SAN JOSE, CALIFORNIA 95125

MC 682, Ph. (408) 925-3697  
MFN-056-087  
JSC-080-087

July 23, 1987

U. S. Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
Washington, D. C. 20555

Attention: M. W. Hodges, Chief  
Reactor Systems Branch

Gentlemen:

SUBJECT: REVISION 2 TO SPECIAL REPORT MFN-170-84-0, "FUEL PROPERTY  
AND PERFORMANCE MODEL REVISIONS"

- References:
- 1) Letter, J. S. Charnley (GE) to C. O. Thomas (NRC),  
"GE Procedure for Fuel Property and Performance  
Model Revision", December 14, 1984.
  - 2) Letter, C. O. Thomas (NRC) to J. S. Charnley (GE),  
"Acceptance for Referencing of Licensing Topical  
Report NEDE-24011-P Amendment 7 to Revision 6,  
'General Electric Standard Application for Reactor  
Fuel'", March 1, 1985.
  - 3) Letter, J. S. Charnley (GE) to R. Lobel (NRC), "Fuel  
Property and Performance Model Revisions (Special  
Report MFN-170-84-0)", December 14, 1984.
  - 4) Letter, J. S. Charnley (GE) to G. C. Lainas (NRC),  
"Special Report MFN-170-84-1 (Revision 1 to  
MFN-170-84-0), 'Fuel Property and Performance Model  
Revisions'", April 7, 1986.

During NRC review of the GESTR-MECHANICAL code and its application  
(Amendment 7 to NEDE-24011-P-A), GE and the NRC reached agreement on a  
procedure for determining whether or not revisions to GESTR-MECHANICAL  
were significant enough to require additional NRC review. The procedure  
agreed upon is described in Reference 1, and NRC approval of the  
procedure is provided in Section 8.0 of Reference 2. In summary, the  
agreement states that GESTR-MECHANICAL may be revised, and the revised  
version of the code used as GE's Reference Fuel Performance Code,  
without NRC review, if certain criteria are met.

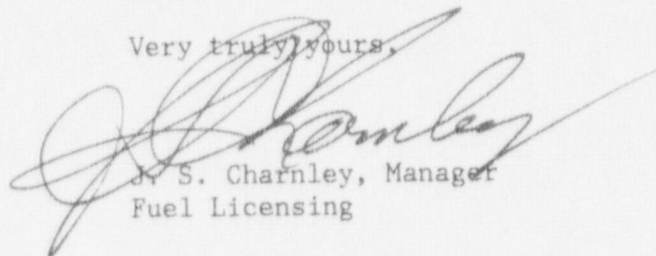
8708050101 870723  
PDR TOPRP EMVGENE  
C PDR

7007  
1/1

GE submitted the first report (designated MFN-170-84-0) in compliance with this procedure in Reference 3, and committed to updating this report as required. This letter submits the second update to Reference 3 (the first update was submitted in Reference 4); this update report is designated MFN-170-84-2 and is provided in Attachment 2. The report demonstrates that the approved acceptance criteria are met, and that the revisions to GESTR-MECHANICAL are minor in impact. Therefore, the revised GESTR-MECHANICAL code becomes the new GE Reference Fuel Performance Code.

Please note that the information contained in Attachment 2 is of the type GE maintains in confidence and withholds from public disclosure. The information, indicated by a bar in the right-hand side margin, has been handled and classified as proprietary to GE as indicated in the attached affidavit (Attachment 1). We hereby request that this information be withheld from public disclosure in accordance with the provisions of 10CFR2.790.

Very truly yours,



J. S. Charnley, Manager  
Fuel Licensing

JSC/dc

cc: R. Artigas (w/o att.)  
L. S. Gifford (w/o att.)

Attachments

GENERAL ELECTRIC COMPANY

AFFIDAVIT

1, Ricardo Artigas, being duly sworn, depose and state as follows:

1. I am Manager, Licensing & Consulting Services, General Electric Company, 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 report designated MFN-170-84-2, "Fuel Property and Model Revisions", dated July 1987. Proprietary information is indicated by a bar in the right hand margin
3. In designating material as proprietary, General Electric utilizes the definition of proprietary information and trade secrets set forth in the American Law Institute's Restatement of Torts, Section 757. This definition provides:

"A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.... A substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring information.... Some factors to be considered in determining whether given information is one's trade secret are: (1) the extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others."

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 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 consisting of supporting data and analyses, including test data, relative to a process, method or apparatus, the application of which provide a competitive economic advantage, e.g., by optimization or improved marketability;



- c. 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;
  - d. Information which reveals cost or price information, production capacities, budget levels or commercial strategies of General Electric, its customers or suppliers;
  - e. Information which reveals aspects of past, present or future General Electric customer-funded development plans and programs of potential commercial value to General Electric;
  - f. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection;
  - g. Information which General Electric must treat as proprietary according to agreements with other parties.
5. In addition to proprietary treatment given to material meeting the standards enumerated above, General Electric customarily maintains in confidence preliminary and draft material which has not been subject to complete proprietary, technical and editorial review. This practice is based on the fact that draft documents often do not appropriately reflect all aspects of a problem, may contain tentative conclusions and may contain errors that can be corrected during normal review and approval procedures. Also, until the final document is complete it may not be possible to make any definitive determination as to its proprietary nature. General Electric is not generally willing to release such a document in such a preliminary form. Such documents are, however, on occasion furnished to the NRC staff on a confidential basis because it is General Electric's belief that it is in the public interest for the staff to be promptly furnished with significant or potentially significant information. Furnishing the document on a confidential basis pending completion of General Electric's internal review permits early acquaintance of the staff with the information while protecting General Electric's potential proprietary position and permitting General Electric to insure the public documents are technically accurate and correct.
6. Initial approval of proprietary treatment of a document is typically made by the Subsection manager of the originating component, who is most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within the Company is limited on a "need to know" basis and such documents are clearly identified as proprietary.

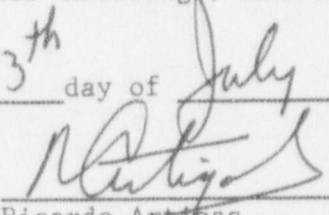
7. The procedure for approval of external release of such a document typically requires review by the Subsection Manager, Project manager, Principal Scientist or other equivalent authority, by the Subsection Manager of the cognizant Marketing function (or delegate) and by the Legal Operation for technical content, competitive effect and determination of the accuracy of the proprietary designation in accordance with the standards enumerated above. Disclosures outside General Electric are generally limited to regulatory bodies, customers and potential customers and their agents, suppliers and licensees then only with appropriate protection by applicable regulatory provisions or proprietary agreements.
8. The document mentioned in paragraph 2 above has been evaluated in accordance with the above criteria and procedures and has been found to contain information which is proprietary and which is customarily held in confidence by General Electric.
9. The document mentioned in paragraph 2 above has been classified as proprietary because it contains details of the GESTR-MECHANICAL code which would require a considerable expenditure of resources to duplicate.
10. The information, to the best of my knowledge and belief, has consistently been held in confidence by the General Electric Company, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties were required to be made only pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.

STATE OF CALIFORNIA           )  
COUNTY OF SANTA CLARA    ) ss:

Ricardo Artigas, being duly sworn, deposes and says:

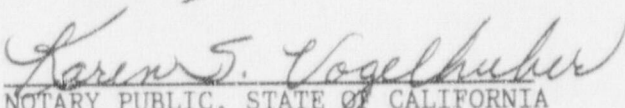
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at San Jose, California, this 23<sup>th</sup> day of July, 1987.

  
Ricardo Artigas  
General Electric Company

Subscribed and sworn before me this 23 day of July 1987.



  
NOTARY PUBLIC, STATE OF CALIFORNIA