



Carolina Power & Light Company
PO Box 10429
Southport NC 28461-0429

William R. Campbell
Vice President
Brunswick Nuclear Plant

October 4, 1996

SERIAL: BSEP 96-0366
10 CFR 50.90
TSC 95TSB32

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NO. 1
DOCKET NO. 50-325/LICENSE NO. DPR-71
RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
FUEL CYCLE 11 RELOAD LICENSING
(NRC TAC NO. M95263)

Gentlemen:

By letters dated April 8, 1996 (Serial: BSEP 96-0061) and July 30, 1996 (Serial: BSEP 96-0271), Carolina Power & Light Company submitted a license amendment request for revisions to the Technical Specifications for the Brunswick Steam Electric Plant (BSEP), Unit No. 1. The proposed license amendment revises the Minimum Critical Power Ratio (MCPR) Safety Limit referenced in Technical Specification 2.1.2 from 1.07 to 1.10 for Unit 1 Cycle 11 operation and revises Technical Specification 5.3.1 to reflect the new fuel type (GE13) being added to the Unit 1 reactor core beginning with Cycle 11 operation.

Enclosure 1 provides our response to your request for additional information discussed during telephone conversations on October 1, 1996 and October 3, 1996 regarding our Unit 1 reload licensing amendment application. The document contained in Enclosure 1 is considered General Electric Nuclear Energy proprietary information and should be withheld from public disclosure in accordance with 10 CFR 2.790. An affidavit attesting to this fact is provided in Enclosure 2.

During the telephone discussions, the NRC staff commented on a reference to General Electric's GESTAR-II, Revision 12 (see Enclosure 1, Reference 4 of our July 30, 1996 letter). As clarification, CP&L acknowledges that Revision 12 to GESTAR-II has been withdrawn and replaced by "General Electric Standard Application for Reactor Fuel" (GESTAR-II), NEDE-24011-P-A-13, August 1996. According to General Electric, Revision 13 of GESTAR-II is identical to GESTAR-II, Revision 11 with respect to safety limit MCPR. As such, Revision 13 to GESTAR-II should be considered to replace all references to GESTAR-II, Revision 12 contained in our April 8, 1996 and July 30, 1996 reload licensing applications.

As previously discussed with the NRR Project Manager, Unit 1 core reloading operations are currently scheduled to commence on October 22, 1996. In order to allow time for procedure revision and orderly incorporation into copies of the Technical Specifications, CP&L requests that the proposed license amendment be issued no later than the close of business on Friday, October 18, 1996.

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Tel 910 457-2496 Fax: 910 457-2803

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Please refer any questions regarding this submittal to Mr. Mark Turkal at (910) 457-3066.

Sincerely,



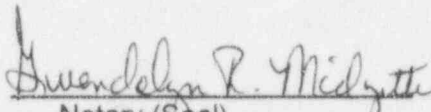
William R. Campbell

WRM/wrm

Enclosures:

1. Letter from M. R. Morris (General Electric Technical Program Manager) to M. J. Devoe (CP&L), dated October 4, 1996, "Brunswick 1 Cycle 11 SLMCPR Licensing Clarification."
2. General Electric Nuclear Energy Affidavit Regarding Withholding from Public Disclosure in Accordance with 10 CFR 2.790

William R. Campbell, having been first duly sworn, did depose and say that the information contained herein is true and correct to the best of his information, knowledge and belief; and the sources of his information are officers, employees, and agents of Carolina Power & Light Company.



Notary (Seal)

My commission expires: Aug. 12, 2001

pc: U. S. Nuclear Regulatory Commission
ATTN.: Mr. Stewart D. Ebnetter, Regional Administrator
101 Marietta Street, N.W., Suite 2900
Atlanta, GA 30323-0199

Mr. C. A. Patterson
NRC Senior Resident Inspector - Brunswick Units 1 and 2:

U.S. Nuclear Regulatory Commission
ATTN.: Mr. David C. Trimbie, Jr. (Mail Stop OWFN 14H22)
11555 Rockville Pike
Rockville, MD 20852-2738

The Honorable H. Wells
Chairman - North Carolina Utilities Commission
P.O. Box 29510
Raleigh, NC 27626-0510

Mr. Dayne H. Brown
Director - Division of Radiation Protection
North Carolina Department of Environment, Health, and Natural Resources
P.O. Box 27687
Raleigh, NC 27611-7687

ENCLOSURE 1

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NO. 1
DOCKET NO. 50-325/LICENSE NO. DPR-71
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FUEL CYCLE 11 RELOAD LICENSING
(NRC TAC NO. M95263)

LETTER FROM M. R. MORRIS
(GENERAL ELECTRIC TECHNICAL PROGRAM MANAGER) TO
M. J. DEVOE (CP&L) DATED OCTOBER 4, 1996,
"BRUNSWICK 1 CYCLE 11 SLMCPR LICENSING CLARIFICATION."

ENCLOSURE 2

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NO. 1
DOCKET NO. 50-325/LICENSE NO. DPR-71
RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
FUEL CYCLE 11 RELOAD LICENSING
(NRC TAC NO. M95263)

AFFIDAVIT FROM GENERAL ELECTRIC NUCLEAR ENERGY
REGARDING WITHHOLDING FROM PUBLIC DISCLOSURE
IN ACCORDANCE WITH 10 CFR 2.790

Affidavit

I, Ralph J. Reda, being duly sworn, depose and state as follows:

- (1) I am Manager, Fuels and Facility Licensing, 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, M. R. Morris (GE) to M. J. DeVoe (CP&L), *Brunswick 1 Cycle 11 SLMCPR Licensing Clarification*, October 4, 1996.
- (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 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 would provide other parties, including competitors, with information related to detailed results of analytical models, methods and processes, including computer codes, which GE has developed, requested NRC approval of, and applied to perform evaluations of the BWR. 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 fuel design and analytical methodology are part of GE's comprehensive BWR safety and technology base, and their 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.

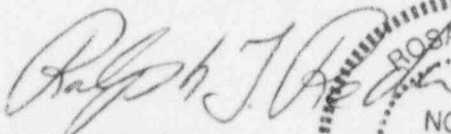
The value of this information to GE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

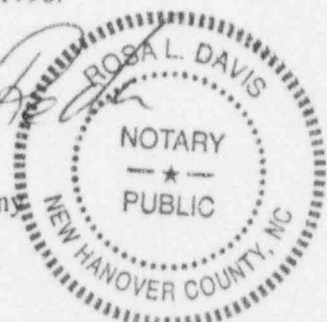
State of North Carolina)
County of New Hanover) SS:

Ralph J. Reda, being duly sworn, deposes and says:

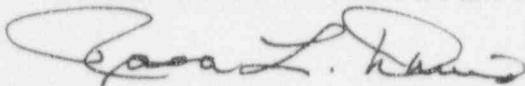
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Wilmington, North Carolina, this 4 day of October, 1996.


Ralph J. Reda
General Electric Company



Subscribed and sworn before me this 4 day of October, 1996.



My commission expires on 12-15-97
Notary Public, State of North Carolina