Douglas R. Gipson
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Nuclear Generation

Detroit Edison

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October 14, 1996
NRC-96-0119

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D. C. 20555

References: 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43

2) Detroit Edison Letter to NRC, "Proposed Technical Specification Change (License Amendment) - Safety Limit - Minimum Critical Power Ratio (MCPR)," NRC-96-0075 dated September 5, 1996

Subject: Supplemental Information Regarding Proposed Technical Specification Change (License Amendment) - Safety Limit - Minimum Critical Power Ratio (MCPR)

On September 5, 1996 Detroit Edison proposed a License Amendment (Reference 2) to change the Minimum Critical Power Ratio (MCPR) Safety Limits in Technical Specification 2.1.2. The proposed changes result from a cycle specific calculation performed for Fermi 2 Operating Cycle 6, expected to commence in November of 1996. A conference call regarding this proposed amendment was conducted between Messrs. A. Kugler and T. Huang of the NRC and Messrs. J. Conen and B. Myers of Detroit Edison on October 3, 1996. Based on this call, supplemental information regarding the differences between the Fermi 2 cycle specific calculation and the generic calculation is being provided with this letter (Attachment 2). This information was provided by General Electric and is considered by General Electric to be proprietary commercial information as described in 10 CFR 2.790 (a) (4). Therefore, pursuant to the enclosed affidavit (Attachment 1), it is requested that this information be exempted from public disclosure.

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Attachment 2 describes how control rod patterns were chosen for the calculations and how the calculations for the Fermi 2 Cycle 6 core differ from the generic analysis. The calculations performed were based on a mixed core consisting of 628 GE11 fuel assemblies, 44 GE9B assemblies, and 92 GE6 assemblies. (Note that the actual reload will include 627 GE11 assemblies and 45 GE9B assemblies. This change in the load pattern became necessary with the confirmation of a fuel pin leak in one of the twice burned GE11 assemblies. Due to the lack of a GE11 replacement assembly, a thrice burned GE9B assembly with significantly less reactivity than the replaced GE11 assembly will be used. It will be loaded one row in from the periphery, and it will not measurably affect the core dynamics or licensing analysis, including the Safety Limit MCPR. This replacement meets the criteria of GESTAR II subsection 3.4.2 regarding acceptable deviation from the analyzed core loading pattern.) Cases were considered for several points of cycle exposure ranging from beginning of cycle to a point near the end of cycle life. The actual end of cycle point was not used because the corresponding control rod density (all rods out) would be inconsistent with use of control rods to achieve a limiting radial power distribution.

Reference 2 also indicated that the Cycle 6 transient analysis was still in progress. Since that submittal, the analysis has been completed. That analysis has confirmed that no further Technical Specification changes are necessary as a result of the proposed changes to the MCPR Safety Limits.

Detroit Edison has evaluated this supplemental information regarding the proposed Technical Specification change and has determined the Significant Hazards evaluation provided with the proposed amendment is not affected by this supplemental information and that No Significant Hazards Consideration is involved.

If you have any questions, please contact Mr. Joseph Conen at (313) 586-1960.

Sincerely,

Attachments

cc: A. B.Beach
M. J. Jordan
A. J. Kugler
A. Vegel
Supervisor, Electric Operators, Michigan
Public Service Commission, J. R. Padgett

I, DOUGLAS R. GIPSON, do hereby affirm that the foregoing statements are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.

DOUGLAS R. GIPSON
Senior Vice President

On this 14th day of October, 1996 before me personally appeared Douglas R. Gipson, being first duly sworn and says that he executed the foregoing as his free act and deed.

Notary Public

ROSALIE A. ARMETTA
NOTARY PUBLIC - MONROE COUNTY, MI
MY COMMISSION EXPIRES 10/11/99

ATTACHMENT 1

AFFIDAVIT

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, B. R. Fischer (GE) to B. L. Myers (DECo), Fermi 2 Cycle 6 *SLMCPR Licensing Clarification*, October 8, 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 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 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 8 day of October, 1996.

Ralph J. Reda
General Electric Company

Subscribed and sworn before me this 8 day of October, 1996.

Leigh Barbour

My commission expires on Feb. 01, 2001

Notary Public, State of North Carolina