

EXXON NUCLEAR COMPANY, INC.

2101 HORN RAPIDS ROAD, PO BOX 130, RICHLAND, WA 99352
(509) 375-8100 TELEX: 15-2878

August 30, 1985
RAC:059:85

Dr. C. O. Thomas, Chief
Standardization & Special Projects Branch
Division of Licensing
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

SUBJECT: Submittal of XN-NF-85-92(P) for NRC Review

Ref.: XN-NF-85-92(P), "Exxon Nuclear Uranium Dioxide/Gadolinia Irradiation Examination and Thermal Conductivity Results," Exxon Nuclear Company, August 1985.

Dear Dr. Thomas:

Enclosed are twenty-three copies of the subject report for NRC review and approval. This report provides the results of the Exxon Nuclear thermal property testing and post irradiation fuel examinations for gadolinia bearing fuel. The information contained in this report should allow the NRC to evaluate the behavior of gadolinia bearing fuel up to a 10 w/o level.

Exxon Nuclear Company considers information contained in the subject report to be proprietary. In accordance with the Commission's Regulation 10 CFR 2.790(b), the enclosed Affidavit executed by our Dr. Richard B. Stout provides the necessary information to support the withholding of this document from public disclosure.

In compliance with the Commission's Regulation 10 CFR 170.12(f), Exxon Nuclear's check in the amount of \$150.00 has been enclosed with Mr. William O. Miller's copy of this letter as the Special Project application fee for the subject topical report.

If there are questions, or if I can provide any assistance, please call me at (509) 375-8290.

Sincerely,

Bob Copeland
R. A. Copeland
Reload Licensing

naa

cc: Mr. David Moran (NRC)
Mr. R. Lobel (NRC)
Mr. W. O. Miller (NRC)

8509160420 850830
PDR TOPRP EMVEXXN
C PDR

AN AFFILIATE OF EXXON CORPORATION

1007
1/23

A F F I D A V I T

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

I, Richard B. Stout, being duly sworn, hereby say and depose:

1. I am Manager, Licensing and Safety Engineering, for Exxon Nuclear Company, Inc. ("ENC"), and as such I am authorized to execute this Affidavit.

2. I am familiar with ENC's detailed document control system and policies which govern the protection and control of information.

3. I am familiar with the document XN-NF-85-92(P) entitled "Exxon Nuclear Uranium Dioxide/Gadolinia Irradiation Examination and Thermal Conductivity Results" referred to as "Document." Information contained in this Document has been classified by ENC as proprietary in accordance with the control system and policies established by ENC for the control and protection of information.

4. The document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by ENC and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in the Document as proprietary and confidential.

5. The Document has been made available to the U.S. Nuclear Regulatory Commission in confidence, with the request that the information contained in the Document will not be disclosed or divulged.

6. The Document contains information which is vital to a competitive advantage of ENC and would be helpful to competitors of ENC when competing with ENC.

7. The information contained in the Document is considered to be proprietary by ENC because it reveals certain distinguishing aspects of gadolinia bearing fuel behavior which secure competitive advantage to ENC for fuel design optimization and marketability, and includes information utilized by ENC in its business which affords ENC an opportunity to obtain a competitive advantage over its competitors who do not or may not know or use the information contained in the Document.

8. The disclosure of the proprietary information contained in the Document to a competitor would permit the competitor to reduce its expenditure of money and manpower and to improve its competitive position by giving it extremely valuable insights into gadolinia bearing fuel behavior and would result in substantial harm to the competitive position of ENC.

9. The Document contains proprietary information which is held in confidence by ENC and is not available in public sources.

10. In accordance with ENC's policies governing the protection and control of information, proprietary information contained in the Document has been made available, on a limited basis, to others outside ENC only as required and under suitable agreement providing for non-disclosure and limited use of the information.

11. ENC policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

12. This Document provides information which reveals gadolinia bearing fuel behavior developed by ENC over the past several years. ENC has invested millions of dollars and many man-years of effort in developing the gadolinia bearing fuel behavior revealed in the Document. Assuming a competitor had available the same background data and incentives as ENC, the competitor might, at a minimum, develop the information for the same expenditure of manpower and money as ENC.

13. Based on my experience in the industry, I do not believe that the background data and incentives of ENC's competitors are sufficiently similar to the corresponding background data and incentives of ENC to reasonably expect such competitors would be in a position to duplicate ENC's proprietary information contained in the Document.

THAT the statements made hereinabove are, to the best of my knowledge, information, and belief, truthful and complete.

FURTHER AFFIANT SAYETH NOT.

Richard P. Short

SWORN TO AND SUBSCRIBED

before me this 29th day of

August, 1985.

Gloria R. Fitzgerald

NOTARY PUBLIC