

Charles R. Pierce
Regulatory Affairs Director

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Proprietary Information
Withhold per 10 CFR 2.390

OCT 24 2014

Docket Nos.: 50-366



NL-14-1680

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D. C. 20555-0001

Edwin I. Hatch Nuclear Plant – Unit 2
Revised Proprietary Marking for GNF Additional Information for SLMCPR
Technical Specification Submittal Letter

Ladies and Gentlemen:

By letter dated August 8, 2014, Southern Nuclear Operating Company (SNC) sent a proposed license amendment to revise the values for the Safety Limits Minimum Critical Power Ratio (SLMCPRs) for both single and dual loop operation for Edwin I. Hatch Nuclear Plant (HNP) Unit 2. Enclosure 1 of that letter provided a proprietary summary of the technical bases for the SLMCPR values (Global Nuclear Fuels - Americas, LLC (GNF) Report GNF-001N6296-R1-P). Based upon subsequent discussion between the Nuclear Regulatory Commission (NRC), GNF, and SNC, it was decided that the "Requested Change to the Technical Specification SLMCPR" column shown in Table 3 of GNF-001N6296-R1-P was not GNF proprietary information, and should not have been treated as such. The NRC requested that the affected Table 3 page be resubmitted with the revised proprietary marking. This letter resubmits the requested page.

Enclosure 1 contains the revised Table 3 (Page 19 of 24), with the agreed upon changes made to the proprietary classification of the "Requested Change to the Technical Specification SLMCPR" column. Please note that Enclosure 1 contains proprietary information as defined by 10 CFR 2.390. GNF, as the owner of the proprietary information, has executed the enclosed affidavit, which identifies that the enclosed proprietary information has been handled and classified as proprietary, is customarily held in confidence, and has been withheld from public disclosure. The proprietary information was provided to SNC in a GNF transmittal that is referenced by the affidavit. The proprietary information has been faithfully reproduced in the enclosed document such that the affidavit remains applicable. GNF hereby requests that the enclosed proprietary information be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17. A non-proprietary version of the enclosed document is provided in Enclosure 2.

This letter contains no NRC commitments. If you have any questions, please contact Ken McElroy at (205) 992-7369.

Mr. C. R. Pierce states he is Regulatory Affairs Director of Southern Nuclear Operating Company, is authorized to execute this oath on behalf of Southern Nuclear Operating Company and, to the best of his knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,



C. R. Pierce
Regulatory Affairs Director

CRP/RMJ

Sworn to and subscribed before me this 24 day of October, 2014.



Notary Public

My commission expires: 10/8/2017

Attachment: 1. GNF Affidavit Requesting Information Provided in Enclosure 1
be Withheld from Public Disclosure in Accordance 10 CFR
2.390 and 9.17

Enclosures: 1. Proprietary GNF Report GNF-001N6296-R1-P, Page 19 of 24
2. Non-Proprietary GNF Report GNF-001N6296-R1-NP, Page 19
of 24

cc: Southern Nuclear Operating Company
Mr. S. E. Kuczynski, Chairman, President & CEO
Mr. D. G. Bost, Executive Vice President & Chief Nuclear Officer
Mr. D. R. Vineyard, Vice President – Hatch
Mr. B. L. Ivey, Vice President – Regulatory Affairs
Mr. T. E. Tynan, Vice President – Fleet Operations
Mr. B. J. Adams, Vice President – Engineering
Mr. G. L. Johnson, Regulatory Affairs Manager - Hatch
RType: CHA02.004

U. S. Nuclear Regulatory Commission
Mr. V. M. McCree, Regional Administrator
Mr. R. E. Martin, NRR Senior Project Manager – Hatch
Mr. D. H. Hardage, Senior Resident Inspector – Hatch

State of Georgia
Mr. J. H. Turner, Environmental Director Protection Division

**Edwin I. Hatch Nuclear Plant – Unit 2
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Attachment

**GNF Affidavit Requesting Information Provided in Enclosure 1 be Withheld
from Public Disclosure in Accordance 10 CFR 2.390 and 9.17**

Global Nuclear Fuel – Americas

AFFIDAVIT

I, Brian R. Moore, state as follows:

- (1) I am Engineering Manager, Core & Fuel Engineering, Global Nuclear Fuel – Americas, LLC (GNF-A), 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 Enclosure 1 of GNF's letter, VSP-SNC-HV1-14-088, Vickie Perry (GNF-A) to Susan Hoxie-Key (Southern Nuclear Operating Company), entitled "Revised Proprietary Marking for GNF Additional Information for SLMCPR Technical Specification Submittal Letter for Hatch 2 Cycle 24," dated October 10, 2014. GNF-A proprietary information in Enclosure 1, which is entitled "Revised Page 19 of 24 for GNF-001N6296-R1," is identified by a dotted underline inside double square brackets. [[This sentence is an example.^{3}]] GNF proprietary information in figures and some tables is identified with double square brackets before and after the object. In each case, the superscript notation ^{3} refers to Paragraph (3) of this affidavit, which provides the basis for the proprietary determination.
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GNF-A 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 2.390(a)(4) for "trade secrets" (Exemption 4). The material for which exemption from disclosure is here sought 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, 975 F2d 871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F2d 1280 (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 GNF-A's competitors without license from GNF-A 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 aspects of past, present, or future GNF-A customer-funded development plans and programs, resulting in potential products to GNF-A;
 - d. 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 paragraphs (4)a. and (4)b. above.

- (5) To address 10 CFR 2.390 (b) (4), the information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GNF-A, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GNF-A, 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. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (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, or subject to the terms under which it was licensed to GNF-A.
- (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 GNF-A 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 GNF-A's fuel design and licensing methodology. The development of this methodology, along with the testing, development and approval was achieved at a significant cost to GNF-A.

The development of the fuel design and licensing methodology along with the interpretation and application of the analytical results is derived from an extensive experience database that constitutes a major GNF-A asset.

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GNF-A's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GNF-A'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 GNF-A.

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.

GNF-A's competitive advantage will be lost if its competitors are able to use the results of the GNF-A 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 GNF-A 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 GNF-A of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of October 2014.

A handwritten signature in black ink that reads "Brian R. Moore". The signature is written in a cursive, flowing style.

Brian R. Moore
Engineering Manager, Core & Fuel Engineering
Global Nuclear Fuel – Americas, LLC
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Wilmington, NC 28401
Brian.Moore@ge.com

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Enclosure 2

Non-Proprietary GNF Report GNF-001N6296-R1-NP, Page 19 of 24

Table 3. Monte Carlo Calculated SLMCPR vs. Estimate

Description	Previous Cycle Minimum Core Flow Limiting Case	Previous Cycle Rated Core Flow Limiting Case	Current Cycle Minimum Core Flow Limiting Case	Current Cycle Rated Core Flow Limiting Case
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Requested Change to the Technical Specification SLMCPR	N/A		1.09 (TLO)/ 1.12 (SLO)	
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