

**RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
LICENSE RENEWAL APPLICATION**

Enclosure

GEH Letter GEH 1-2PUAGH-KK1-003

“Columbia Generating Station (CGS) License Renewal Reactor Pressure Vessel (RPV)
Nozzle Upper Shelf Energy (USE) NRC Request for Additional Information RAI 4.2-7
Support: Date Cover Letter 0000=0238-8826-R2, Data and Affidavit”



HITACHI

GE Hitachi Nuclear Energy

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October 27, 2011

GEH 1-2PUAGH-KK1-003

DRF 0000-0138-7337

Action Requested by: N/A

Response to:

Project Deliverable: No

Proprietary Notice

This letter transmits proprietary information in accordance with 10 CFR 2.390. Upon the removal of Enclosures 1 and 2 the balance of the letter may be considered non-proprietary.

Abbas Mostala
Energy Northwest
Columbia Generating Station
P. O. Box 968
Richland, WA 99352-0968

cc: B. Boggs (GEH)
L. Tilly (GEH)
J. Sisk (EN)

From: George Depta
3901 Castle Hayne Road
PO Box 780, M/C F12
Wilmington, NC 28401

**Subject: Columbia Generating Station (CGS)
License Renewal Reactor Pressure Vessel (RPV) Nozzle Upper Shelf
Energy (USE) NRC Request for Additional Information RAI 4.2-7 Support:
Data Cover Letter 0000-0138-8826-R2, Data and Affidavit**

Reference: 1. EN Contract No. 334759 dated September 26, 2011

Mr. Mostala

Enclosed please find the GEH letter 0000-0138-8826-R2 regarding SA-508 Class 1 material statistical analysis and a copy of the SA-508 Class 1 data associated with the letter, and the GEH proprietary information affidavit, developed to support Reference 1. The enclosures are design verified and evidence of verification is contained in Design Record File (DRF) 0000-0130-9146.

If you have any questions please do not hesitate to contact me.



George Depta
CGS – Senior Services Project Manager
910-819-4876

Enclosures:

1. GEH letter 0000-0138-8826-R2 regarding SA-508 Class 1 material –
GEH Proprietary Information – Class III (Confidential)
2. SA-508 Cl. 1 data associated with letter 0000-0138-8826-R2 – GEH Proprietary
Information – Class III (Confidential)
3. Affidavit

GE-Hitachi Nuclear Energy Americas LLC

AFFIDAVIT

I, Edward D. Schrull, PE, state as follows:

- (1) I am the Vice President, Regulatory Affairs, Services Licensing, GE-Hitachi Nuclear Energy Americas LLC (GEH), 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 Enclosures 1 and 2 of GEH letter GEH 1-2PUAGH-KK1-003, "Columbia Generating Station (CGS) License Renewal Reactor Pressure Vessel (RPV) Nozzle Upper Shelf Energy (USE) NRC Request for Additional Information RAI 4.2-7 Support: Data Cover Letter 0000-0138-8826-R2, Data and Affidavit," dated October 27, 2011. The information in Enclosures 1 and 2 is proprietary in its entirety. The header of each page in Enclosures 1 and 2 carries the notation "GEH Proprietary Information – Class III (Confidential)^{3}." In all cases, 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, GEH 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 F.2d 871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F.2d 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 GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies;
 - b. Information that, 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 that reveals aspects of past, present, or future GEH customer-funded development plans and programs, resulting in potential products to GEH;

- d. Information that 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 GEH, 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 GEH, 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 GEH. Access to such documents within GEH 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 for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GEH 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 data and analysis methods and techniques developed by GEH for the determination of the Upper Shelf Energy (USE) for the Columbia Generating Station. Development of this database, these methods and techniques, and their application for the design, modification, and analyses methodologies and processes for the USE was achieved at a significant cost to GEH. 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 GEH asset.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GEH's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GEH'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 GEH.

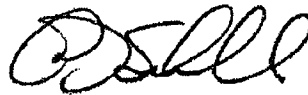
The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

GEH's competitive advantage will be lost if its competitors are able to use the results of the GEH 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 GEH 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 GEH 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 affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 27th day of October 2011.



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