

Letter Enclosure 1 Contains Proprietary Information  
Withhold in Accordance with 10 CFR 2.390(a)(6)



November 5, 2012  
Serial: BSEP 12-0121

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

Subject: Brunswick Steam Electric Plant, Unit No. 2  
Docket No. 50-324  
Revision of Regulatory Commitment Regarding Replacement of Core Plate Plugs

Reference: Letter from Phyllis N. Mentel (CP&L) to the U.S. Nuclear Regulatory Commission, *Revision of Regulatory Commitment Regarding Replacement of Unit 2 Core Plate Plugs*, dated December 8, 2011, ADAMS Accession Number ML11348A115.

By letter dated December 8, 2011, Carolina Power & Light Company (CP&L) submitted a request to revise a Brunswick Steam Electric Plant (BSEP), Unit No. 2 license renewal-related commitment. This commitment pertains to replacement of the existing Unit 2 core plate plugs prior to entering the period of extended operation authorized by the renewed facility operating license. Technical justification for the requested commitment change was provided in Structural Integrity Associates, Inc. Report No. 1000771.402, Revision 0, *Life Extension for Core Plate Plugs at Brunswick Steam Electric Plant Unit 2*.

Following the submittal, the NRC noted that the Structural Integrity Associates report included proprietary information, for which appropriate proprietary markings were not included and for which an affidavit supporting withholding the document from public disclosure had not been included. The revised Structural Integrity Associates, Inc. report provided herein replaces, in its entirety, the report included with the December 8, 2011, letter.

Enclosure 1 provides a copy of Structural Integrity Associates, Inc. Report No. 1000771.402P, Revision 2, *Life Extension for Core Plate Plugs at Brunswick Steam Electric Plant Unit 2*. The revised Structural Integrity Associates, Inc. report contains General Electric-Hitachi (GEH) proprietary information, as defined by 10 CFR 2.390. As owner of that proprietary information, GEH has executed the affidavit provided in Enclosure 2. A non-proprietary version of Structural Integrity Associates, Inc. report (i.e., Structural Integrity Associates, Inc. Report No. 1000771.402NP, Revision 2) is provided in Enclosure 3.

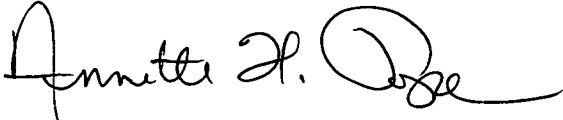
As noted in the initial request, CP&L plans to replace the Unit 2 core plate plugs during the Spring 2013 Unit 2 refueling outage and the commitment revision is being requested as a contingency, in case unforeseen problems occur during the replacement work. An NRC determination regarding the proposed commitment revision is needed prior to entering the period of extended operation authorized by the renewed facility operating license (i.e., December 27, 2014).

A001  
NR2

This document contains no regulatory commitments.

Please refer any questions regarding this submittal to Mr. Lee Grzeck, Manager – Regulatory Affairs, at (910) 457-2487.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette H. Pope". The signature is fluid and cursive, with a large, stylized initial "A".

Annette H. Pope  
Manager – Organizational Effectiveness  
Brunswick Steam Electric Plant

WRM/wrm

Enclosures:

1. Structural Integrity Associates, Inc. Report No. 1000771.402P, Revision 2, *Life Extension for Core Plate Plugs at Brunswick Steam Electric Plant Unit 2* (**Proprietary Information – Withhold from Public Disclosure in Accordance With 10 CFR 2.390**)
2. General Electric Affidavit Regarding Withholding Information from Public Disclosure
3. Structural Integrity Associates, Inc. Report No. 1000771.402NP, Revision 2, *Life Extension for Core Plate Plugs at Brunswick Steam Electric Plant Unit 2* (Non-proprietary Version)

cc (with Enclosures 1 through 3):

U. S. Nuclear Regulatory Commission, Region II  
ATTN: Mr. Victor M. McCree, Regional Administrator  
245 Peachtree Center Ave, NE, Suite 1200  
Atlanta, GA 30303-1257

U. S. Nuclear Regulatory Commission  
ATTN: Ms. Michelle P. Catts, NRC Senior Resident Inspector  
8470 River Road  
Southport, NC 28461-8869

U. S. Nuclear Regulatory Commission **(Electronic Copy Only)**  
ATTN: Mrs. Farideh E. Saba (Mail Stop OWFN 8G9A)  
11555 Rockville Pike  
Rockville, MD 20852-2738

cc (with Enclosures 2 and 3 only):

Chair - North Carolina Utilities Commission  
P.O. Box 29510  
Raleigh, NC 27626-0510

General Electric Affidavit  
Regarding Withholding Information  
from Public Disclosure

# 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 Structural Integrity Associates, Inc. (SIA) report 1000771.402P, "Life Extension for Core Plate Plugs at Brunswick Nuclear Plant Unit 2," Revision 2, dated November 2012. GEH proprietary information in SIA report 1000771.402P is identified by a dotted underline inside double square brackets. [[This sentence is an example.<sup>{3}</sup>]]. Figures and equation objects containing GEH proprietary information are identified with double square brackets before and after the object. In each case, the superscript notation <sup>{3}</sup> 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, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. Some examples of categories of information that 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 GEH and/or other companies.
  - b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their 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, that may include potential products to GEH.
  - d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.

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- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to the 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, not been disclosed publicly, and not been made available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary and/or confidentiality agreements that provide for maintaining the information in confidence. The initial designation of this information as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in the following paragraphs (6) and (7).
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, who is the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or who is the person most likely to be subject to the terms under which it was licensed to GEH. Access to such documents within GEH is limited to 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 and/or confidentiality agreements.
- (8) The information identified in paragraph (2), above, is classified as proprietary because it contains detailed results and conclusions regarding supporting evaluations of the service life of core support plate plugs for a GEH Boiling Water Reactor (BWR). The analysis utilized analytical models and methods, including computer codes, which GEH has developed and applied to perform evaluations of core support plate plugs for a GEH 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 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

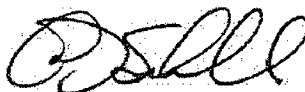
## GE-Hitachi Nuclear Energy Americas LLC

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 1<sup>st</sup> day of November 2012.



Edward D. Schrull  
Vice President, Regulatory Affairs  
Services Licensing  
GE-Hitachi Nuclear Energy Americas LLC  
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Wilmington, NC 28401