

Letter Enclosure 1 Contains Proprietary Information  
Withhold in Accordance with 10 CFR 2.390(a)(4)



December 18, 2012  
Serial: BSEP 12-0139

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

Subject: Brunswick Steam Electric Plant, Unit No 2  
Docket No. 50-324  
Response to Request for Additional Information Regarding Revision of Regulatory  
Commitment for Replacement of Core Plate Plugs (NRC TAC No. ME7702)

References:

1. 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
2. Letter from Annette H. Pope (CP&L) to the U.S. Nuclear Regulatory Commission, *Revision of Regulatory Commitment Regarding Replacement of Core Plate Plugs*, dated November 5, 2012, ADAMS Accession Number ML12321A318
3. Letter from Heather M. Jones (NRC) to Michael J. Annacone (CP&L), *Brunswick Steam Electric Plant: Request for Additional Information Regarding Core Plate Plug Replacement Commitment Change Request (TAC Nos. ME7702)*, dated December 17, 2012, ADAMS Accession Number ML12342A227

By letter dated December 8, 2011 (i.e., Reference 1), 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*. By letter dated November 5, 2012 (i.e., Reference 2), the technical justification was updated (i.e., to Structural Integrity Associates, Inc. Report No. 1000771.402P, Revision 2) due to the designation of proprietary information contained in the report.

On December 17, 2012 (i.e., Reference 3), the NRC provided a request for one of the reference documents supporting the Structural Integrity Associates, Inc. Report No. 1000771.402 (i.e., Reference 4: D. E. Delwiche, *Revision of Core Support Plate Plug Service Life*, General Electric Company Report NEDC-32120, July, 1992, SI File No. 1000771.202P). In response to the RAI, Enclosure 1 provides a copy of General Electric-Hitachi Nuclear Energy Americas LLC (GEH) Report NEDC-32120P, *Revision of Core Support Plate Plug Service Life*, dated July 1992, is provided in Enclosure 1.

ADDL  
NRR

This GE-Hitachi document in Enclosure 1 contains information considered proprietary to GE-Hitachi; therefore, an affidavit supporting withholding the report from public disclosure is provided in Enclosure 2. NEDC-32120P is considered entirely proprietary; therefore, a non-proprietary version of the document is not provided.

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,



FOR

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

WRM/wrm

Enclosures:

1. GE-Hitachi Nuclear Energy Americas LLC Report NEDC-32120P, *Revision of Core Support Plate Plug Service Life*, dated July 1992 (**Proprietary Information – Withhold from Public Disclosure in Accordance With 10 CFR 2.390**)
2. GE-Hitachi Nuclear Energy Americas LLC Affidavit Regarding Withholding Information from Public Disclosure

cc (with Enclosures 1 and 2):

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

U. S. Nuclear Regulatory Commission **(Electronic Copy Only)**  
ATTN: Mr. Christopher Gratton (Mail Stop OWFN 8G9A)  
11555 Rockville Pike  
Rockville, MD 20852-2738

U. S. Nuclear Regulatory Commission **(Electronic Copy Only)**  
ATTN: Ms. Heather M. Jones  
11555 Rockville Pike  
Rockville, MD 20852-2738

cc (with Enclosure 2 only):

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

**GE-Hitachi Nuclear Energy Americas LLC  
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 GEH proprietary report, NEDC-32120P, “Revision of Core Support Plate Plug Service Life,” July 1992. NEDC-32120P is entirely proprietary, thus, NEDC-32120P carries the notation “GEH Proprietary Information - Class III (Confidential) {3}” in the header of each page. In each case, the 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 qualifies 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) 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 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, resulting in 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.
- (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, not been disclosed

## **GE-Hitachi Nuclear Energy Americas LLC**

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) 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.

- (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.

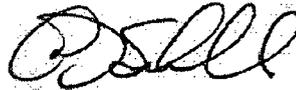
## GE-Hitachi Nuclear Energy Americas LLC

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 19<sup>th</sup> day of November 2012.



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