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MANGAN, C. V. Niagara Mohawk Power Corp.
RECIP. NAME RECIPIENT AFFILIATION
Document Control Branch (Document Control Desk)

SUBJECT: Informs that info contained in June 1987 GE Rept NEDC-31446P, "Safer/Corecool/GESTR LOCA Analysis," be withheld from public disclosure. Affidavit containing reasons encl. Encl withheld (ref 10CFR2.790).

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NIAGARA MOHAWK

NIAGARA MOHAWK POWER CORPORATION/301 PLAINFIELD ROAD, SYRACUSE, N.Y. 13212/TELEPHONE (315) 474-1511

September 14, 1987
NMP1L 1086

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

Re: Nine Mile Point Unit 1
Docket No. 50-220
DPR-63

Gentlemen:

On August 21, 1987, Niagara Mohawk submitted a request for a change to the Technical Specification of Nine Mile Point Unit 1. Attached to that submittal was a copy of General Electric Report NEDC-31446P, June 1987, "SAFER/CORECOOL/GESTR-LOCA LOSS-OF-COOLANT ACCIDENT ANALYSIS." The information contained in this report is considered by General Electric to be proprietary information exempt from public disclosure in accordance with Section 2.790(a)(4) of the Commission's regulations.

Accordingly, pursuant to Section 2.790(b)(1) of the Commission's regulations, Niagara Mohawk Power Corporation hereby makes application to withhold from public disclosure the foresaid document. In support of this application, enclosed herewith is an Affidavit containing a full statement of the reasons for this request for withholding from public disclosure executed by Mr. Ricardo Artigas, Manager, Licensing and Consulting Services, General Electric Company.

Very truly yours,

NIAGARA MOHAWK POWER CORPORATION

C. V. Mangan
Senior Vice President

GAG/pns
3653G
Attachment

xc: Regional Administrator, Region I
Mr. R. A. Capra, Director
Mr. R. A. Benedict, Project Manager
Mr. W. A. Cook, Resident Inspector

A001
1/1

GENERAL ELECTRIC

NUCLEAR ENERGY BUSINESS OPERATIONS
GENERAL ELECTRIC COMPANY • 175 CURTNER AVENUE • SAN JOSE, CALIFORNIA 95125

TRA-NM-87017
August 25, 1987

Mr. PE Netusil
Niagara Mohawk Power Corporation
301 Plainfield Road
Syracuse, NY 13212

Subject: Affidavit for NEDC-31446P
Nine Mile Point Unit 1
SAFER/CORECOOL/GESTR-LOCA Analysis Report

Dear Mr. Netusil:

In anticipation of the NRC's requirements for information classified as proprietary, enclosed is the affidavit which should accompany the subject licensing report when it is submitted to the NRC.

Also, later this week, I will be sending you copies of the nonproprietary version of the subject report which can be given to the NRC.

Please call me if you have any questions concerning this transmittal.

Very truly yours,

TR Augello
Services Program Manager

jmh
cc: WH Hetzel
RW Pulsifer
WA Zarbus

GENERAL ELECTRIC COMPANY

AFFIDAVIT

I, Ricardo Artigas, being duly sworn, depose and state as follows:

1. I am Manager, Licensing and Consulting Services, General Electric Company, 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 "Nine Mile Point Unit One SAFER/CORECOOL/GESTR-LOCA Loss-of-Coolant Accident Analysis", NEDC-31446P, June 1987.

3. In designating material as proprietary, General Electric utilizes the definition of proprietary information and trade secrets set forth in the American Law Institute's Restatement of Torts, Section 757. This definition provides:

   "A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it . . . A substantial element of secrecy must exist so that, except by the use of improper means, there would be difficulty in acquiring information . . . Some factors to be considered in determining whether given information is one's trade secret are: 1) the extent to which the information is known outside of his business; 2) the extent to which it is known by employees and others involved in his business; 3) the extent of measures taken by him to guard the secrecy of the information; 4) the value of the information to him and to his competitors; 5) the amount of effort or money expended by him in developing the information; 6) the ease or difficulty with which the information could be properly acquired or duplicated by others."

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 where prevention of its use by General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies;

   b. Information consisting of supporting data and analyses, including test data, relative to a process, method or apparatus, the application of which provide a competitive economic advantage, e.g., by optimization or improved marketability;

   c. 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;

d. Information which reveals cost or price information, production capacities, budget levels or commercial strategies of General Electric, its customers or suppliers;

e. Information which reveals aspects of past, present or future General Electric customer-funded development plans and programs of potential commercial value to General Electric;

f. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection;

g. Information which General Electric must treat as proprietary according to agreements with other parties.

5. In addition to proprietary treatment given to material meeting the standards enumerated above, General Electric customarily maintains, in confidence, preliminary and draft material which has not been subject to complete proprietary, technical and editorial review. This practice is based on the fact that draft documents often do not appropriately reflect all aspects of a problem, may contain tentative conclusions and may contain errors that can be corrected during normal review and approval procedures. Also, until the final document is completed, it may not be possible to make any definitive determination as to its proprietary nature. General Electric is not generally willing to release such a document to the general public in such a preliminary form. Such documents are, however, on occasion furnished to the NRC staff on a confidential basis because it is General Electric's belief that it is in the public interest for the staff to be promptly furnished with significant or potentially significant information. Furnishing the document on a confidential basis pending completion of General Electric's internal review permits early acquaintance of the staff with the information while protecting General Electric's potential proprietary position and permitting General Electric to insure the public documents are technically accurate and correct.

6. Initial approval of proprietary treatment of a document is made by the manager of the originating component, the individual most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within the Company is limited on a "need to know" basis, and such documents at all times are clearly identified as proprietary.

7. The procedure for approval of external release of such a document is reviewed by the section manager, project manager, principal scientist or other equivalent authority, by the section 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 in accordance with the standards enumerated above. Disclosures outside General Electric are generally limited to regulatory bodies, customers and potential customers and their agents, suppliers and licensees only in accordance with appropriate regulatory provisions or proprietary agreements.

8. The document mentioned in paragraph 2 above has been evaluated in accordance with the above criteria and procedures and has been found to contain information which is proprietary and which is customarily held in confidence by General Electric.

9. The information, to the best of my knowledge and belief, has consistently been held in confidence by the General Electric Company, no public disclosures have been made, and it is not available in public sources. All disclosures to third parties have been made pursuant to regulatory provisions of proprietary agreements which provide for maintenance of the information in confidence.

10. Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of the General Electric Company and deprive or reduce the availability of profitmaking opportunities because it would provide other parties, including competitors, with valuable information regarding analysis inputs and results using the SAFER/GESTR-LOCA methodology, which were obtained at considerable cost to the General Electric Company.

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss:

Ricardo Artigas, being duly sworn, deposes and says:

That he has read the foregoing affidavit, and the matters stated therein are true and correct to the best of his knowledge, information and belief.

Executed at San Jose, California, this 25th day of August, 1987.

Ricardo Artigas
General Electric Company

Subscribed and sworn before me this 25th day of August, 1987.

OFFICIAL SEAL
KAREN S VOGELHUBER
NOTARY PUBLIC - CALIFORNIA
SANTA CLARA COUNTY
My comm. expires DEC 30, 1988

Karen S. Vogelhuber
NOTARY PUBLIC, STATE OF CALIFORNIA