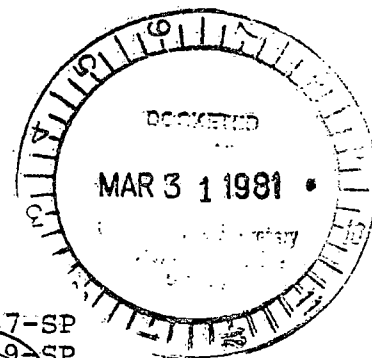
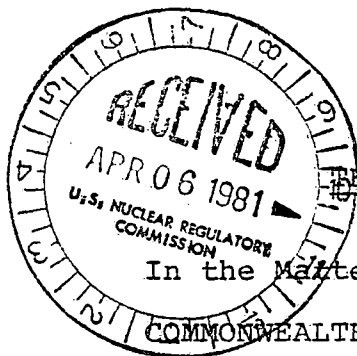


3/26/81



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
COMMONWEALTH EDISON COMPANY )  
(Dresden Station, Units 2 & 3)

Docket Nos. 50-237-SP  
50-249-SP  
(Spent Fuel Pool  
Modification)

AGREED MOTION TO ENTER  
PROTECTIVE ORDER REGARDING  
DISCLOSURE OF CONFIDENTIAL INFORMATION

Commonwealth Edison Company ("Applicant"), pursuant to 10 C.F.R. §2.790, hereby moves for entry of the attached agreed upon "protective order" regarding the disclosure of confidential information.

1. Pursuant to an informal agreement regarding discovery, the State of Illinois ("Intervenor") has requested documents supplied to Applicant by General Electric Company, Exxon Nuclear Corporation, and the Special Products Division of Carpenter Technology ("Vendors"). The Vendors have informed Applicant that the information contained in these documents is proprietary and have requested Applicant to request a protective order in substantially the form attached hereto.

2. All parties have been consulted and have agreed to entry of the proposed "protective order."

3. The proprietary material involved is listed in Attachment A to the proposed protective order.

4. Also enclosed are affidavits from Exxon Nuclear

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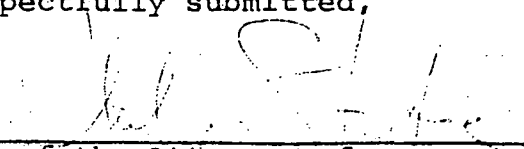
D503  
90/1

and Carpenter Technology establishing the proprietary nature of their material.

5. In addition, enclosed is the affidavit of Applicant's witness Ed Armstrong with respect to certain documents he generated using information drawn from documents identified by the Vendors as proprietary. An affidavit from General Electric will be forwarded to the Board in the near future.

6. The Board's attention is directed to paragraph 1(e) of the agreed protective order. The reason for this provision is to avoid disclosure of Exxon Nuclear or Carpenter Technology proprietary information to Applicant's witness Mr. Mefford, who is a General Electric employee. General Electric is a competitor of Exxon Nuclear and Carpenter Technology. Therefore, showing such documents to Mr. Mefford would, of course, destroy the confidentiality of the Exxon Nuclear and Carpenter Technology material. Moreover, such disclosure to Mr. Mefford is not necessary, since his testimony is limited to General Electric fuel and General Electric fuel channels. Dr. O'Boyle is available for cross-examination if necessary on the subject of Exxon Nuclear fuel and Carpenter Technology channels.

Respectfully submitted,

  
\_\_\_\_\_  
One of the Attorneys for  
Commonwealth Edison Company

ISHAM, LINCOLN & BEALE  
Suite 4200  
One First National Plaza  
Chicago, Illinois 60603  
312/558-7500

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
COMMONWEALTH EDISON COMPANY ) Docket Nos. 50-237-SP  
(Dresden Station, Units 2 & 3) ) 50-249-SP  
(Spent Fuel Pool  
Modification)

PROTECTIVE ORDER

This proceeding involves the application of Commonwealth Edison Company ("Applicant") to install new spent fuel storage racks in the spent fuel pools at its Dresden Station. There is one intervenor, the Attorney General of the State of Illinois. At the evidentiary hearings held in this matter in November, 1980 Applicant raised a potential safety issue involving the effect of fuel channel bowing on storage of spent fuel in the proposed storage racks and requested a continuance to provide additional testimony on that subject. This Board granted Applicant's motion. On January 30, 1981 Applicant submitted its additional testimony, following which, pursuant to an informal agreement on discovery, Intervenor requested certain documents from Applicant relating to the fuel channel bowing issue.

On March 1, 1981, Applicant filed with this Board pursuant to 10 CFR §2.790 an "Agreed Motion for Protective

"Order" requesting this Board to enter an order protecting from public disclosure certain drawings and other documents containing information concerning nuclear fuel and nuclear fuel channels which is considered proprietary by the manufacturers of such equipment: General Electric Company, Exxon Nuclear Corporation, and the Special Products Divisions of Carpenter Technology Corporation (hereinafter "Vendors"). The Agreed Motion for Protective Order was accompanied by affidavits of Vendor representatives establishing that the information is indeed proprietary and that public disclosure is likely to cause substantial harm to the competitive position of the Vendors. We are informed that Intervenor and the NRC Staff have no objections to the entry of such a protective order.

The Board has reviewed the Agreed Motion for Protective Order and accompanying affidavits and has concluded in accordance with 10 CFR §2.790 that the need to protect the Vendors' commercial positions outweighs, in this case the right of the public to be fully apprised as to the bases for the subject matter of the proceeding.

WHEREFORE, IT IS ORDERED that documents (or information obtained from such documents) listed in Attachment A to this Order (herein referred to as protected information), shall be subject to the following restrictions:

1. Protected information shall not be disclosed to any persons other than (a) counsel for Intervenor, including necessary paralegal, secretarial and clerical personnel assisting such counsel; (b) qualified persons taking testimony involving such documents or information and necessary stenographic and clerical personnel thereof; (c) identified independent consultants and technical experts and their respective technical and clerical staff who are engaged in or for this proceeding on behalf of Intervenor; (d) the Commission, the Appeal Board, this Licensing Board, the presiding officer, the Commission's staff, and (e) Applicant; except that Applicant's witness, Mr. Mefford, who is an employee of General Electric Company, shall not be shown any protected information other than G.E. protected information.

2. Protected information shall not be made available to any person designated in paragraph 1(c) unless each such person shall have first read this Order and shall have agreed, in writing (a) to be bound by the terms thereof; (b) not to reveal such protected information to anyone other than another person designated in paragraph 1 who shall also have read this order; and (c) to utilize such protected information solely for purposes of this proceeding and not for any business or other purpose. In the event the protected information is used in the proceeding it shall not lose its confidential status through such use and all steps reasonably required to protect its confidentiality during such use will be taken.

3. If the Commission or any Licensing Appeal Board subsequently orders that access to or dissemination of protected information shall be made to persons not included in paragraph 1 above, such matter shall only be accessible to, or disseminated to, such persons based upon the conditions set forth in that Order.

4. All copies of documents provided to Intervenor and designated confidential by Applicant in accordance with the terms of this Order shall be marked by Applicant as follows: "G.E. (or Exxon Nuclear or Special Products Division of Carpenter Technology) CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER OF THE NUCLEAR REGULATORY COMMISSION LICENSING BOARD." Copies of such documents and all notes and summaries therefrom made by counsel for Intervenor or any other persons designated in paragraph 1 shall be similarly marked. Any portion of a transcript or exhibits relating to this proceeding that disclose any protected information shall, on motion by Applicant, be bound separately and filed under seal, unless otherwise ordered.

5. If protected information is disclosed to any person other than in the manner authorized by this protective order, the person responsible for the disclosure shall notify counsel for Applicant and the NRC Licensing Board and make every effort to retrieve all such documents or information

disclosed and to prevent further disclosure by it or by the person who was the recipient of such information.

6. Nothing in this order shall affect the right of any party to seek further judicial or administrative order concerning this matter, including the admissibility or denial of admissibility into evidence of protected information, nor shall it abridge the right of any person to seek judicial review or to pursue other appropriate judicial action with respect to any ruling made by the Commission, its Freedom of Information Act Officer, the Board or the presiding officer concerning the issue of the status of confidential business information.

7. Upon the conclusion of this proceeding, and any other proceeding that may hereafter be included by agreement or by Board order, including any further proceedings on review of orders in those proceedings, all copies of protected documents furnished pursuant to this Order shall be returned to Applicant forthwith. Counsel for Intervenor and other persons designated in paragraph 1 shall at the conclusion of this and related proceedings as described above, destroy any notes, summaries or other such documents of a work product nature which contain protected information defined above.

BY ORDER OF THE BOARD

---

For the Atomic Safety and  
Licensing Board

ATTACHMENT A

Exxon Nuclear Protected Information

A. Exxon Nuclear Company Drawings

1. XN-NF-304, 044 Rev. 0A, Sh 1 & 2  
(Fuel Bundle Assembly, Type 3) D0002083
2. XN-NF-303, 727 Rev. 5A  
(BWR Jet Pump Upper Tie Plate Assembly) D0002084
3. XN-NF-303, 728 Rev. 4  
(BWR Jet Pump Upper Tie Plate Machining) D0002085

B. Exxon Nuclear Company - Handwritten Notes

1. 1/29/81 Corner Post On Exxon  
Upper Tie Plate D0002086
2. 1/15/81 Fuel Handling Loads  
for Exxon Fuel D0002087
3. 1/15/81 Conference Call - Assembly  
Handling Loads for Exxon Fuel D0002088
4. 1/15/81 Conference Call - Fuel  
Assembly Handling Loads D0002089

Special Products Division of Carpenter Technology  
Protected Information

1. Special Products Division of Carpenter  
Technology Corporation Drawing D-70001-162,  
Rev. 1 "2MM. (.080) Fuel Channel" dated  
October 17, 1975 and revised January 23,  
1980. D0002090
2. Letter dated November 18, 1980 from  
G. Heine, Manufacturing Engineer, Special  
Products Division of Carpenter Technology  
Corporation to Jack Dolter, Commonwealth  
Edison Company containing fuel channel  
dimension and related information. D0002091
3. Sheet dated January 27, 1981 "CarTech  
Channel Gusset Weld Tests" by  
Don Wozniak (as corrected). D0002092
4. Letter dated January 27, 1981 from  
Don Wozniak, General Sales Manager,  
Special Products Division of Carpenter  
Technology Corporation to Dr. Dennis  
O'Boyle, Commonwealth Edison Company  
with two specified and identified  
enclosure materials attached thereto. D0002093



General Electric Protected Information

1.	Channel Fastener Sketch	D0002094
2.	Telecon w/GE on Handling Loads	D0002095
3.	Telecon Notes on Bail Failure	D0002096
4.	Info Mtg. Notes on Rack Hearing	D0002097
5.	Memo, 1/21/81, "OSR for Rack Hearings"	D0002098
6.	NEDE - 23542 Fuel Assembly Evaluation of shipping and Handling Loadings	D0002099

Hybrid Proprietary Documents Created By  
Commonwealth Edison Company Using G.E.  
and Exxon Nuclear Protected Information

1.	February 11, 1981 memo, Bliss to Abel, Jortberg, Scott and Stiede, with enclosed "Comparison of GE and Exxon Upper Tie Plates for Fuel Utilized in Dresden Units 2 and 3"	D0003000
2.	February 9, 1981 draft of the above	D0003001
3.	Handwritten "Comparison of GE and Exxon Upper Tie Plates"	D0003002
4.	January 30, 1981 draft of item (1)	D0003003
5.	January 27, 1981 draft of item (1)	D0003004
6.	Handwritten notes, "Fuel Comparison" dated 1/26/81	D0003005
7.	Handwritten notes, "Structural Comparison of GE and Exxon Fuel" dated 1/21/81	D0003006
8.	Handwritten notes, "GE Fuel Bundle and Channel Weights: Dry and Emmersed (sic)"	D0003007

UNITED STATES OF AMERICA  
Nuclear Regulatory Commission

In the Matter:

Commonwealth Edison Company

Docket Nos. 50-237-SP  
50-249-SP

Affidavit Pursuant to  
10 CFR Section 2.790(b)(1)

Commonwealth of Pennsylvania:

) ss.

County of Berks :

Donald C. Bristol, being first duly sworn on oath, deposes and states:

1. I am Vice President of the Special Products Division ("SPD") of Carpenter Technology Corporation and I am authorized to make this affidavit.

2. The information that Commonwealth Edison Company has been requested to produce or disclose by the Attorney General of the State of Illinois, listed in Attachment A hereto, constitutes trade secrets or privileged or confidential commercial or financial information within the meaning of Section 2.790(b)(1) of the Commission's regulations.

3. That information is customarily held in confidence by SPD and is not available in public sources. The information is not known outside of SPD except to the extent that it has been made available to other entities (including government agencies) on a confidential basis. Should it be transmitted to the Commission, it will be done so in confidence. Within SPD such data are made available only to those employees having a need for such

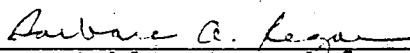
access in the conduct of their Company responsibilities. SPD has in operation procedures for handling confidential and proprietary information. These procedures include the proper designation of documents containing confidential or proprietary information and document control systems appropriate for each classification.

4. Public disclosure of this information would provide SPD's competitors with significant competitive information which could be used to the substantial detriment of SPD and hamper SPD's efforts to compete in the marketplace. For example, the information relating to proprietary design techniques could deprive SPD of the competitive advantage to be derived from these techniques which were developed at significant expense.

Dated this 20th day of March, 1981.

  
\_\_\_\_\_  
Donald C. Bristol

SUBSCRIBED AND SWORN to before me this 20th day of March, 1981.

  
\_\_\_\_\_  
Notary Public in and for the  
Commonwealth of Pennsylvania,  
residing at

BARBARA A. REGAR, Notary Public  
Reading, Berks County, Pa.

My Commission Expires Nov. 19, 1983

Listing of Proprietary  
Information of the Special  
Products Division of Carpenter  
Technology Corporation

ATTACHMENT A

- 1- Special Products Division of Carpenter Technology Corporation Drawing D-70001-162, Rev. 1 "2MM. (.080) Fuel Channel" dated October 17, 1975 and revised January 23, 1980.
- 2- Letter dated November 18, 1980 from G. Heine, Manufacturing Engineer, Special Products Division of Carpenter Technology Corporation to Jack Dolter, Commonwealth Edison Company containing fuel channel dimension and related information.
- 3- Sheet dated January 27, 1981, "CarTech Channel Gusset Weld Tests" by Don Wozniak (as corrected).
- 4- Letter dated January 27, 1981 from Don Wozniak, General Sales Manager, Special Products Division of Carpenter Technology Corporation to Dr. Dennis O'Boyle, Commonwealth Edison Company with two specified and identified enclosure materials attached thereto.

Listing of Proprietary  
Information of the Special  
Products Division of Carpenter  
Technology Corporation

UNITED STATES OF AMERICA  
Nuclear Regulatory Commission

The Atomic Safety and Licensing  
Board

In the Matter:

Commonwealth Edison Company  
(Dresden Station Units 2 and 3)

Docket Nos. 50-237-SP  
50-249-SP  
(Spent Fuel Pool  
Modification)

Affidavit Pursuant to 10 CFR  
Sec. 2.790(b)(1)

State of Washington

County of King

R. K. Robinson being first duly sworn on oath, deposes and states:

1. I am a Vice President of Exxon Nuclear Company, Inc. and I am authorized to make this affidavit.

2. The information that Commonwealth Edison Company has been requested to produce or disclose by the Attorney General of the State of Illinois, a list of which is attached hereto, constitutes trade secrets or privileged or confidential commercial or financial information within the meaning of Section 2.790(b)(1) of the Commission's regulations.

3. That information is customarily held in confidence by Exxon Nuclear and is not available in public sources. The information is not known outside of Exxon Nuclear except to the extent that it has been made available to other entities (including government agencies) on a confidential basis. Should it be transmitted to the Commission, it will be done so in confidence. Within Exxon Nuclear such data are made available only to those employees having a need for such access in the conduct of their Company responsibilities. Exxon Nuclear has in operation procedures for handling confidential and proprietary information.

These procedures include the proper designation of documents containing confidential or proprietary information and document control systems appropriate for each classification.

4. Public disclosure of this information would provide Exxon Nuclear's competitors with significant competitive information which could be used to the substantial detriment of Exxon Nuclear and hamper Exxon Nuclear's efforts to compete in the marketplace. For example, the information relating to proprietary design techniques could deprive Exxon Nuclear of the competitive advantage to be derived from these techniques which were developed at significant expense.

Dated this 20<sup>th</sup> day of March, 1981.

R K Robinson

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of March,

1981.

Franklin L. ...  
Notary Public in and for the State  
Washington, residing at

Dallas, Texas

*LL*

EXXON NUCLEAR COMPANY DRAWINGS

XN-NF-304,044 Rev. 0A, Sh 1 & 2  
(Fuel Bundle Assembly, Type 3)

XN-NF-303,727 Rev 5A  
(BWR Jet Pump Upper Tie Plate Assembly)

XN-NF-303,728 Rev 4  
(BWR Jet Pump Upper Tie Plate Machining)

EXXON NUCLEAR COMPANY -- HANDWRITTEN NOTES

1/29/81           Corner Post on Exxon Upper Tie Plate

1/15/81           Fuel Handling Loads for Exxon Fuel

1/15/81           Conference call -- Assembly Handling Loads for Exxon  
Fuel

1/15/81           Conference call -- Fuel Assembly Handling Loads

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
COMMONWEALTH EDISON COMPANY ) Docket Nos. 50-237-SP  
) 50-249-SP  
) (Spent Fuel Pool  
(Dresden Station, Units 2 & 3)) Modification)

AFFIDAVIT OF ED ARMSTRONG

STATE OF ILLINOIS )  
) SS.  
COUNTY OF COOK )

My name is Ed Armstrong. I am employed by Commonwealth Edison Company in the BWR Plant Support Group of its Nuclear Fuel Services Department. I have an M.S. degree in Nuclear Engineering from the University of Illinois and a B.A. degree from Northwestern University.

I am the author of the documents identified in Attachment A to this affidavit. These documents contain information taken from other documents identified as proprietary by Exxon Nuclear and G.E. Therefore, the documents listed in Attachment A should also be treated as proprietary to both Exxon Nuclear and G.E., except for Document D 3007 which is proprietary to G.E. only.

*Edward A Armstrong*  
\_\_\_\_\_  
Ed Armstrong

SUBSCRIBED AND SWORN  
to before me this \_\_\_\_\_  
day of March, 1981.

\_\_\_\_\_  
Notary Public



ATTACHMENT A

The "hybrid" proprietary documents created using G.E. and Exxon Nuclear proprietary information are:

1. February 11, 1981 memo, Bliss to Abel, Jortberg, Scott and Stiede, with enclosed "Comparison of G.E. and Exxon Upper Tie Plates for Fuel Utilized in Dresden Units 2 and 3" D0003000
2. February 9, 1981 draft of the above D0003001
3. Handwritten "Comparison of G.E. and Exxon Upper Tie Plates" D0003002
4. January 30, 1981 draft of item (1) D0003003
5. January 27, 1981 draft of item (1) D0003004
6. Handwritten notes, "Fuel Comparison" dated 1/26/81 D0003005
7. Handwritten notes, "Structural Comparison of G.E. and Exxon Fuel" dated 1/21/81 D0003006
8. Handwritten Notes, "G.E. Fuel Bundle and Channel Weights: Dry and Immersed (sic)" D0003007

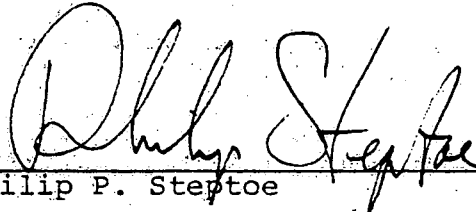
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
 )  
COMMONWEALTH EDISON COMPANY ) Docket Nos. 50-237-SP  
 ) 50-249-SP  
 ) (Spent Fuel Pool  
(Dresden Station, Units 2 & 3.) ) Modification)

CERTIFICATE OF SERVICE

I, Philip P. Steptoe, hereby certify that a copy of Commonwealth Edison Company's Agreed Motion to Enter Protective Order Regarding Disclosure of Confidential Information, Protective Order, Affidavit of Donald C. Bristol, Affidavit of R. K. Robinson, and Affidavit of Ed Armstrong was served upon all persons shown in the attached service list by deposit in the United States mail, first class, this 26th day of March, 1981.

  
Philip P. Steptoe

SERVICE LIST

Mr. Richard Hubbard  
MHB Technical Associates  
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Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Docketing and Service  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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