



**Commonwealth Edison**  
One First National Plaza, Chicago, Illinois  
Address Reply to: Post Office Box 767  
Chicago, Illinois 60690

June 6, 1983

Mr. Harold R. Denton, Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Subject: Dresden Station Units 2 and 3  
Quad Cities Station Units 1 and 2  
Environmental Qualification of  
Electrical Equipment  
Proprietary Information Contained  
in Technical Evaluation Reports  
NRC Docket Nos. 50-237, 50-249,  
50-254, and 50-265

- References (a): T.J. Rausch Letter to H.R. Denton  
dated January 7, 1983.
- (b): T.J. Rausch Letter to H.R. Denton  
dated January 25, 1983.
- (c): B. Rybak Letter to H.R. Denton  
dated February 14, 1983.
- (d): B. Rybak letter to H. R. Denton  
dated May 13, 1983.

Dear Mr. Denton:

In accordance with the subject references all manufacturers whose reports were used in the subject Technical Evaluation Report have been contacted. A list of documents and the associated pages from the Technical Evaluation Reports which have been found to be proprietary was detailed in Reference (d). An affidavit, consistent with 10CFR2.790(b), has been received from General Electric and is enclosed. Westinghouse Electric Corp. has verbally indicated that WCAP-7410-L is proprietary. An affidavit confirming this statement has been delayed and is expected by July 8, 1983.

Submittal of Westinghouse affidavit should close out the proprietary documentation issue.

One (1) signed original and sixty (60) copies of this letter and the attachment are enclosed for your use.

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June 6, 1983

If there are any questions regarding this matter, please contact this office.

Very truly yours,



B. Rybak  
Nuclear Licensing Administrator

lm

cc: Region III Inspector - Dresden  
Region III Inspector - Quad Cities  
R. Bevan - NRR  
R. Gilbert - NRR

Attachment

6720N

GENERAL ELECTRIC COMPANY

AFFIDAVIT

I, Glenn G. Sherwood, being duly sworn, depose and state as follows:

1. I am Manager of Nuclear Safety & Licensing, 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 the test reports PEP No. 42963, DV145C3006, DV145C3008, and DV145C3009 which were designated company proprietary.
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 Subsection Manager of the originating component, the man 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 documents 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 detailed design data, test data, test instrumentation drawings, and test process data are considered proprietary.
- 10. The information, to the best of my knowledge and belief, has consistently been held in confidence by the General Electric Company, no public disclosure has been made, and it is not available in public sources. Also, disclosures to third parties have been made pursuant to Regulatory provision for proprietary agreements which provide for maintenance of the information in confidence.
- 11. 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 profit making opportunities because approximately 270 manhours and \$30,000 in subcontract work were required to obtain the information.

STATE OF CALIFORNIA        )  
COUNTY OF SANTA CLARA    ) ss:

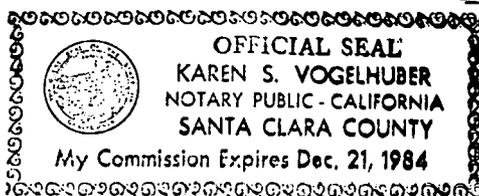
Glenn G. Sherwood, being duly sworn, deposes and says:

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 22 day of March, 1983.

*Glenn G. Sherwood*  
Glenn G. Sherwood  
General Electric Company

Subscribed and sworn before me this 22 day of March 1983.



*Karen S. Vogelhuber*  
NOTARY PUBLIC, STATE OF CALIFORNIA

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