

GENERAL ELECTRIC

NUCLEAR POWER

SYSTEMS DIVISION
MFN-180-83

GENERAL ELECTRIC COMPANY, 175 CURTNER AVE., SAN JOSE, CALIFORNIA 95125
MC 682, (408) 925-3392

September 30, 1983

U.S. Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Division of Licensing
Washington, DC 20555

Attention: D. B. Vassallo, Chief
Operating Reactors Branch No. 2

Gentlemen:

SUBJECT: SUPPRESSION POOL TEMPERATURE ANALYSIS SUBMITTALS FOR
MARK I PLANTS

This letter formally transmits copies of the non-proprietary viewgraphs, see Attachment 1, for the presentation on Justification of Suppression Pool Temperature Analysis Submittals for Mark I Plants, delivered during the Mark I/NRC meeting on August 25, 1983. Also enclosed are the documents NEDC-22170 and NEDC-24371-P, in response to the NRC request during the meeting for copies of the subject plant submittals for two (2) plants, one with and one without an isolation condenser. Finally, in response to Byron Siegel's (NRC) request via telecon on September 1, 1983, a listing of the 14 Mark I plants (13 utilities) now docketed utilizing the subject methodology including TPOOL is attached, see Attachment 2.

Information contained in the enclosed reports NEDC-22170 and NEDC-24371-P is of the type which General Electric maintains in confidence and withholds from public disclosure. An affidavit attesting to the reports' proprietary nature is attached.

The presentation, made by GE on behalf of the Mark I Owners Group, demonstrated generically that the peak pool temperature calculated in the submittals is conservative and responded to the specific NRC concerns discussed previously with GE and the Mark I Owners Group. The NRC granted approval of the methodology, including TPOOL, for application to support the Mark I Plant Unique Analysis Reports (PUAR's). This approval covers the 13 Mark I utilities (14 plants) now docketed under the Mark I program utilizing this methodology, see Attachment 2. This approval will be documented in the overall approvals of the Mark I Plant Unique Analysis Reports (PUAR's), scheduled to be completed by September 30, 1983, and also in a generic SER. Also, a later telecon with the NRC has indicated that the NRC will consider on an individual plant basis any future Mark I

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owners use of this methodology to resolve PUAR questions, based on the foregoing approval and any further information available at that time.

Very truly yours,



H. C. Pfefferlen, Manager
BWR Licensing Programs
Nuclear Safety and Licensing Operation

HCP:rf/G09232

Attachments

cc: L. S. Gifford (GE-Bethesda)
J. Kudrick (NRC)
B. Siegel (NRC)
F. Eltawila (NRC)
R. W. Houston (NRC)
W. R. Butler (NRC)

GENERAL ELECTRIC COMPANY

AFFIDAVIT

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

1. I am Manager, BWR Projects Licensing, Nuclear Safety and Licensing Operation, 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 NEDC-22170 "Dresden 2/3 Nuclear Generating Plant Suppression Pool Temperature Response", July 1982 and NEDC-24371-P "Edwin I. Hatch Nuclear Power Station Units 1 and 2 Suppression Pool Temperature Response," October 1981.
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 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. NEDC-22170 and NEDC-24371-P presents the models, assumptions, and results of analyses of seven transient events (including those required to be analyzed by the NRC) which require safety/relief valve actuation. The reports demonstrate the conformance of the Dresden 1 & 2 suppression pools, and the Hatch 1 & 2 suppression pools to the NRC local pool temperature limit of 200°F. NEDC-22170 and NEDC-24371-P are proprietary to the General Electric Company as specified in Sections 3, 4a and 4c.
- 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 profit making opportunities because cost required to obtain the information amounted to approximately \$674,000.

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss:

Ricardo Artigas, being duly sworn, deposes and says:

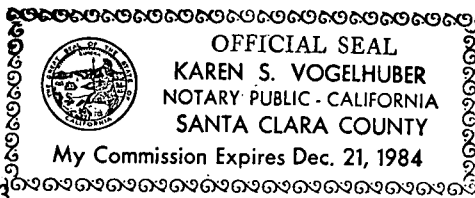
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at San Jose, California, this 30th day of September, 1983.



Ricardo Artigas
General Electric Company

Subscribed and sworn before me this 30 day of SEPTEMBER 1983.





Karen S. Vogelhuber
NOTARY PUBLIC, STATE OF CALIFORNIA