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 50-277 Peach Bottom Atomic Power Station, Unit 2, Philadelph 05000277  
 50-397 WPPSS Nuclear Project, Unit 2, Washington Public Powe 05000397

AUTH. NAME WAGONER, V.  
 RECIP. NAME

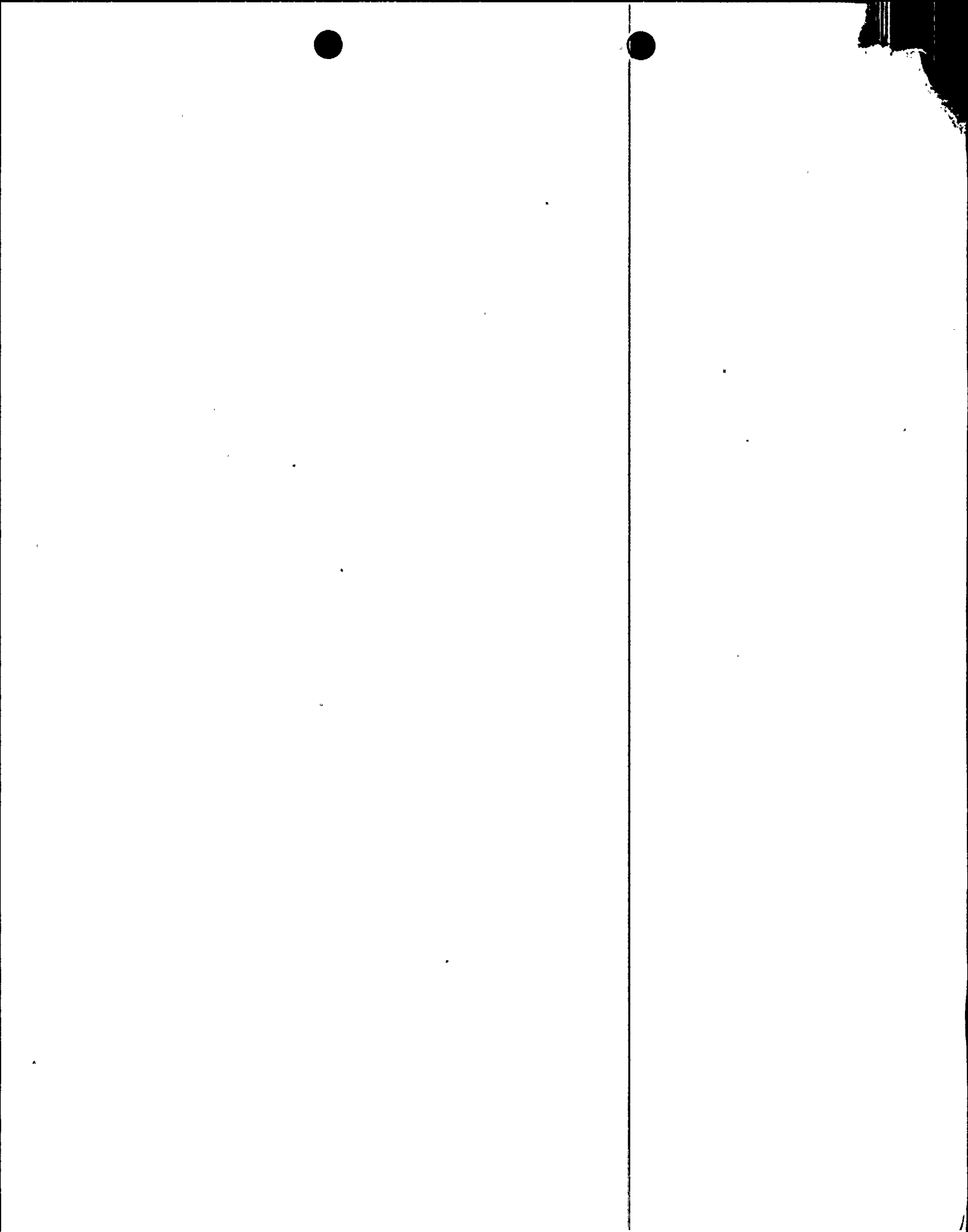
AUTHOR AFFILIATION Affiliation Not Assigned  
 RECIPIENT AFFILIATION Document Control Branch (Document Control Desk)

SUBJECT: Responds to NRC RAI re BWR core shroud generic safety assessment re conductivity by fuel cycle. GE rept providing info w/alpha designations in place of plant names encl. GE ltr, also encl, provides plant names. Encl withheld.

DISTRIBUTION CODE: G004D COPIES RECEIVED: LTR 1 ENCL 1 SIZE: 5+41  
 TITLE: BWR - Vessel & Internal Project

NOTES: License Exp date in accordance with 10CFR2, 2.109 (12/22/72). 05000237  
 Application for permit renewal filed. 05000440  
 Application for permit renewal filed. 05000354  
 Application for permit renewal filed. 05000352  
 Application for permit renewal filed. 05000353  
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RGN2	1	1	RGN3	1	1
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EXTERNAL: NRC PDR	1	NP	NSIC	1	NP
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# BWRVIP

BWR Vessel &  
Internals Project

Issue Management and Resolution

December 13, 1994

U.S. Nuclear Regulatory Commission  
Washington, D.C., 20555  
Attention: Document Control Branch

**SUBJECT: Request for Additional Information (RAI) Regarding BWR  
Core Shroud Generic Safety Assessment:  
BWR Conductivity by Fuel Cycle**

Reference: [1] Letter, dated 11/10/94, BWRVIP to NRC, same subject.

The subject RAI requested conductivity information by fuel cycle. The requested information is provided in the enclosed proprietary GE report. The report provides information with alpha designations in place of plant names. The enclosed proprietary GE letter provides the plant names corresponding to the alpha designations in the report.

The attached affidavit identifies that the GE letter and report have been handled and classified as proprietary to GE, and should be withheld from public disclosure in accordance with the provisions of 10 CFR 2.790.

If you have any questions, please contact me at (919) 546-7959.

Regards,



Vaughn Wagoner, Technical Chairman  
BWRVIP Assessment Subcommittee

c: D.S. Brinkman, NRC Project Manager  
J. T. Beckham, Jr., BWRVIP Chairman  
S. LaBruna, BWRVIP Vice Chairman  
R.A. Pinelli, BWROG Chairman  
K.P. Donovan, BWROG Vice Chairman  
BWRVIP Assessment Subcommittee Members

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PDR ADOCK 05000461  
PDR

Reply To: J. T. Beckham, Jr., BWRVIP Chairman, Southern Nuclear Operating Co., 42 Inverness Center  
Parkway, Birmingham, AL 35242 • (205) 877-7279 • Fax: (205) 802-0393

Chang: NRC PDR  
NBIC

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## General Electric Company

### AFFIDAVIT

I, **George B. Stramback**, being duly sworn, depose and state as follows:

- (1) I am Project Manager, Licensing Services, General Electric Company ("GE") 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 GE proprietary report GENE-523-A178-1294, entitled *BWR Reactor Water Mean Value Conductivity by Fuel Cycle*, dated December 1994 and the GE letter, dated December 9, 1994, entitled *Plant Names for BWRVIP Conductivity Report*. This information is delineated by bars marked in the margin adjacent to the specific material.
- (3) In making this application for withholding of proprietary information of which it is the owner, GE 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), 2.790(a)(4), and 2.790(d)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify 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, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (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, including supporting data and analyses, 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 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;



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- c. Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of General Electric, its customers, or its suppliers;
- d. Information which reveals aspects of past, present, or future General Electric customer-funded development plans and programs, of potential commercial value to General Electric;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraph (4)b. above.

- (5) The information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GE, 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 GE, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within GE is limited on 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, by the 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. Disclosures outside GE 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 agreements.
- (8) The information identified in paragraph (2), above, is classified as proprietary because it contains detailed historical and analytical results compiled by GE at a significant cost to GE, on the order of a million dollars. This information would provide other parties, including competitors, with information from GE's technical data base.



Release of this information would improve a competitor's position with the competitor having to expend similar resources for the development of the data base.

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GE's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GE's comprehensive BWR 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.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by GE.

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.

GE's competitive advantage will be lost if its competitors are able to use the results of the GE 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 GE 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 GE of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.



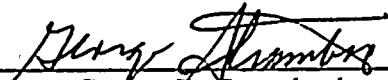
STATE OF CALIFORNIA )  
 )  
COUNTY OF SANTA CLARA )

ss:

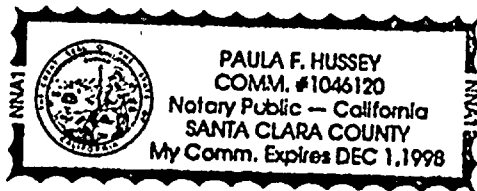
George B. Stramback, being duly sworn, deposes and says:

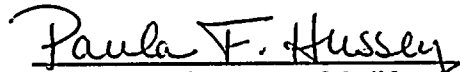
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at San Jose, California, this 13<sup>th</sup> day of December 1994.

  
George B. Stramback  
General Electric Company

Subscribed and sworn before me this 13<sup>th</sup> day of December 1994.



  
Notary Public, State of California

