

# GENERAL ELECTRIC

NUCLEAR POWER

SYSTEMS DIVISION

GENERAL ELECTRIC COMPANY, 175 CURTNER AVE., SAN JOSE, CALIFORNIA 95125  
M/C 682, (408) 925-5040

JFO-37-81

MFN-115-81

June 15, 1981

U.S. Nuclear Regulatory Commission  
Office of Nuclear Reactor Regulation  
Washington, D.C. 20555

Attention: H.R. Denton, Director

Gentlemen:

SUBJECT: SUBMITTAL OF  
PROPRIETARY INFORMATION FOR REVIEW OF 238 NUCLEAR ISLAND  
GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT (GESSAR II);  
DOCKET NO. STN 50-447; AMENDMENT NO.2

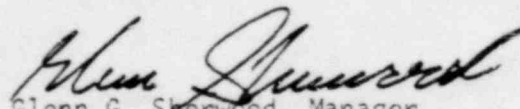


General Electric is submitting 5 copies of the proprietary portion of Amendment No. 2 pertaining to the Mark III containment LOCA-related pool dynamics load criteria, which we are requesting be withheld from public disclosure and considered as proprietary pursuant to Section 2.790 of 10 CFR Part 2.

The information contained herein provides results of tests and calculations pertaining to Mark III containment loads associated with LOCA, safety/relief valve discharge and related dynamic events. It is, therefore, requested that this document be included in the review of GESSAR II and that it be held in confidence and not be released for publication or otherwise disclosed.

The nonproprietary version of this information is contained in Amendment No. 2 and is provided under separate cover.

Sincerely,

  
Glenn G. Sherwood, Manager  
Safety and Licensing Operation

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Attachments

cc: L.S. Rubenstein (w/o attachment)  
J.S. Berggren  
R.L. Tedesco (w/o attachment)  
J.A. Kudrick  
T. Su  
J.R. Miller (w/o attachment)  
L.S. Gifford

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GENERAL ELECTRIC COMPANY

AFFIDAVIT

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

1. I am Manager of 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 Proprietary Supplement to Appendix 38 of 238 Nuclear Island General Electric Standard Safety Analysis Report (GESSAR II).
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. 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.
6. 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.
7. 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.
8. The information presented in the proprietary supplement of 22A7000, Revision 2, provides test results and analytical method discussions which have been identified as proprietary in previously submitted documents.
9. 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. 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 profit-making opportunities because:

- a) It was developed with the expenditure of substantial resources exceeding \$25,000,000.
- b) Public availability of this information would deprive General Electric of the ability to seek reimbursement, would permit competitors to utilize this information to General Electric's detriment, and would impair General Electric's ability to maintain licensing agreements to the substantial financial and competitive disadvantage of General Electric.
- c) Public availability of the information would allow foreign competitors, including competing BWR suppliers, to obtain containment information at no cost which General Electric developed at substantial cost. Use of this information by foreign competitors would give them a competitive advantage over General Electric by allowing foreign competitors to produce their containments at lower cost than General Electric.

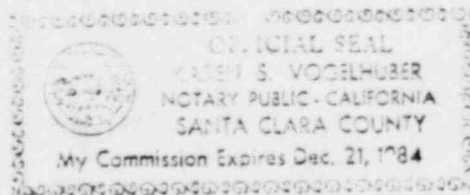
Glenn G. Sherwood, being duly sworn, deposes and says that he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

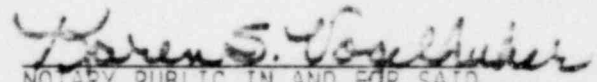
Executed at San Jose, California, this 12 day of JUNE, 1981.

  
Glenn G. Sherwood  
General Electric Company

STATE OF CALIFORNIA        )  
COUNTY OF SANTA CLARA    ) ss:

Subscribed and sworn before me this 12 day of JUNE 1981.



  
NOTARY PUBLIC IN AND FOR SAID  
COUNTY AND STATE

GGS: sem/904-06  
6/8/81

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of )  
General Electric Company)  
Standard Plant )

Docket No. STN 50-447

SUBMITTAL OF PROPRIETARY INFORMATION  
FOR REVIEW OF 238 NUCLEAR ISLAND GENERAL ELECTRIC  
STANDARD SAFETY ANALYSIS REPORT (GESSAR II)

General Electric Company, applicant in the above captioned proceeding, hereby submits proprietary information to be included in the review of the 238 Nuclear Island General Electric Standard Safety Analysis Report (GESSAR II).

This proprietary material is part of Amendment No. 2 which amends GESSAR II by furnishing information in response to the questions contained in the Commission's letter dated November 19, 1980 pertaining to Mark III LOCA-related pool dynamic load criteria.

Respectfully submitted,  
General Electric Company

by: G. G. Sherwood  
G. G. Sherwood, Manager  
Safety and Licensing Operation

Subscribed and sworn to before me this 12 day of JUNE 1981.

OFFICIAL SEAL  
KAREN S. VOGELHUBER  
NOTARY PUBLIC - CALIFORNIA  
SANTA CLARA COUNTY  
My Commission Expires Dec. 21, 1984

by: Karen S. Vogelhuber

GGs: sem/907  
6/8/81