

BWR OWNERS' GROUP

T. J. Dente, Chairman

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BWROG-8253

August 13, 1982

Mr. H. R. Denton
Director of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Mr. R. Mattson

Gentlemen:

Subject: BWR Owners Group Reactor Vessel Water Level Measurement System Report

Reference: BWROG Meeting with NRC on January 27, 1982, to discuss water level instrumentation and ICC detection concerns.

The attached report, SLI-8211, "Review of BWR Reactor Vessel Water Level Measurement Systems," completes the first phase of a program developed by the owners groups as agreed to in the referenced meeting. This meeting discussed BWR water level instrumentation to monitor inadequate core cooling (ICC). As a necessary step in completing the agreed program, a complete and thorough review of the current reactor vessel water level measurement systems was commissioned. SLI-8211 is the result of that commission.

SLI-8211 comprises a significant milestone in the completion of the agreed upon program, however, it must be evaluated in conjunction with the final phase of the program, the report detailing the ICC concerns, conclusions and recommendations. Although SLI-8211 includes conclusions and recommendations, these must be reviewed in the environment of the completed program and not prematurely exercised.

The final phase of the program will be reflected in SLI-8218, "Inadequate Core Cooling Detection in BWR's." This report is currently undergoing final revision. Review and approval by the BWROG should permit transmittal to the NRC mid-September.

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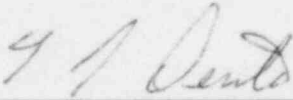
In order to have a complete and thorough discussion of this matter, we would like to meet with appropriate NRC staff as soon as possible after submittal of SLI 218. This meeting should address both technical and safety policy matters that pertain to both reports.

This report is transmitted in confidence. It is requested that it be withheld from public disclosure as permitted under Section 2.790, Title 10 of the code of Federal Regulation. In support of this application for withholding from public disclosure, the required affidavit is attached.

The subject document, SLI-8211, "Review of BWR Reactor Vessel Water Level Measurement Systems," has been endorsed by a substantial number of the members of the BWR Owners' Group; however, it should not be interpreted as a commitment of any individual member to a specific course of action. Each members must formally endorse the BWR Owners' Group position in order for that position to become the member's position.

Should you have any questions concerning the above information, please feel free to contact me.

Very truly yours,



T. J. Dente, Chairman
BWR Owners' Group

Attachment

BWR OWNERS' GROUP

AFFIDAVIT

I, THOMAS J. DENTE, being duly sworn, depose and state as follows:

1. I am Chairman of the Boiling Water Reactors Owners' Group 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 the document entitled "Review of BWR Reactor Vessel Water Level Measurement Systems".
3. In designating material as proprietary, the BWR Owners' Group 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 competitors without license 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;
 - e. Information which reveals aspects of past, present or future BWR Owners' Group funded development plans and programs of potential commercial value to the BWR Owners' Group;
 - f. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection;
 - g. Information which the BWR Owners' Group must treat as proprietary according to agreements which other parties.
5. This Affidavit is in support of withholding from public disclosure S. Levy, Inc. report number SLI-8211, "Review of BWR Reactor Vessel Water Level Measurement Systems", July 1982.

The work resulting in this report was performed by S. Levy, Inc. (SLI) under contract to the Electric Power Research Institute (EPRI). Under the terms of that contract, SLI relinquished ownership of the report and all work performed under the contract to EPRI. Funding to EPRI for the work was provided by sponsors who are owners of boiling water reactors with the agreement that EPRI act as their agent. Ownership of this work is, therefore, that of the sponsors.

The information in this report has been held in confidence by EPRI, its contractors and advisors. Further, it has been transmitted to the NRC in confidence.

The report contains original analyses and unique conceptual designs for which the sponsor paid substantial money and to which they are entitled sole beneficial use. Public disclosure of this information would deny the sponsors their proprietary interest.

6. Initial approval of proprietary treatment of a document is made by the Subcommittee Chairman 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 Owners' Group is limited on a "need to know" basis.
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 the BWR Owners' Group.

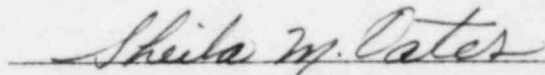
THOMAS J. DENTE, being duly sworn, deposes and says that he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Berlin, Connecticut, this 16 day of August, 1982



THOMAS J. DENTE
BWR Owners' Group

Then personally appeared before me Thomas J. Dente, who being duly sworn, did state that the foregoing information is true and correct to the best of his knowledge and belief.



Sheila M. Oates, Notary Public

My Commission Expires March 31, 1986