



Boston Edison

Pilgrim Nuclear Power Station
Rocky Hill Road
Plymouth, Massachusetts 02360-5599

June 10, 1997
BECO Ltr. #97-060

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

Docket No. 50-293
License No. DPR-35

Submittal of "General Electric Report
GE-NE-T23-00732"

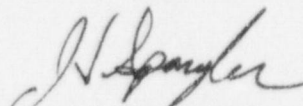
By letter dated May 14, 1997, Pilgrim responded to an NRC request for additional information (RAI) concerning crediting containment overpressure in net positive suction head analysis for the emergency core cooling pumps. The May 14, 1997, response did not include "General Electric Report GE-NE-T23-00732" because this report was deemed proprietary by GE as described in 10CFR2.790(a)(4).

The attachment to this letter provides GE's proprietary affidavit and a proprietary copy of "GE-NE-T23-00732" for NRC review. Proprietary material is designated by change bars in the right hand margin.

We request the NRC to treat the attachment as proprietary material in accordance with 10 CFR 2.790. Please detach NE-T23-00732 from this cover letter before docketing or reproducing this letter.

Should you require further information on this issue, please contact P. M. Kahler at (508) 830-7939.

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for N. L. Desmond

PMK/dmc/GENE-T23

Attachment: Proprietary "General Electric Report GE-NE-T23-00732" and 10CFR2.790 affidavit

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cc: Mr. Alan B. Wang, Project Manager
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Senior Resident Inspector
Pilgrim Nuclear Power Station

General Electric Company

AFFIDAVIT

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

- (1) I am Project Manager, Regulatory 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 reports and documents NEDC-32746P, *Pilgrim Nuclear Power Station Containment Heat Removal Analysis, Class 3* (GE Proprietary Information), dated May 1997. The proprietary 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;

- 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 both paragraphs (4)a. and (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 containment analyses results, including methods and processes regarding the use of analytical models, including computer codes, which GE has developed or modified, and applied to perform evaluations of containment pressurization and heat transfer capability for loss-of-coolant accidents for the BWR.

The development, modification and approval of this information and models for these BWR analysis computer codes was achieved at a significant cost, on the order of several hundred thousand dollars, to GE.

The development of the supporting processes, was at a significant additional cost to GE, in excess of a million dollars, over and above the large cost of developing the underlying individual proprietary report information.

- (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 safety and 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. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

The research, development, engineering, analytical and NRC review 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)
) ss:
COUNTY OF SANTA CLARA)

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 6th day of June 1997.

George B. Stramback
George B. Stramback
General Electric Company

Subscribed and sworn before me this 6th day of June 1997.



Paula F. Hussey
Notary Public, State of California