



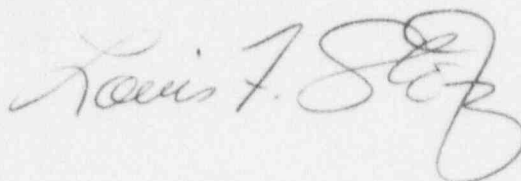
JUL 16 1997

information and therefore should be withheld from public disclosure. Attachment 5 of this letter provides additional information relative to the Hope Creek Cycle 7 SLMCPR analyses.

Upon NRC approval of this proposed change, PSE&G requests that the amendment be made effective on the date of issuance, but allow an implementation period of sixty days to provide sufficient time for associated administrative activities. A copy of this submittal has been transmitted to the State of New Jersey.

Should you have any questions regarding this request, we will be pleased to discuss them with you.

Sincerely,



Affidavit  
Attachments (5)

THE ATTACHMENTS TO THIS LETTER CONTAIN PROPRIETARY INFORMATION  
- NOT FOR PUBLIC DISCLOSURE -



JUL 16 1997

C Mr. H. Miller, Administrator - Region I  
U. S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

Mr. D. Jaffe, Licensing Project Manager - HC  
U. S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Mail Stop 14E21  
Rockville, MD 20852

Mr. S. Morris (X24)  
USNRC Senior Resident Inspector - HC

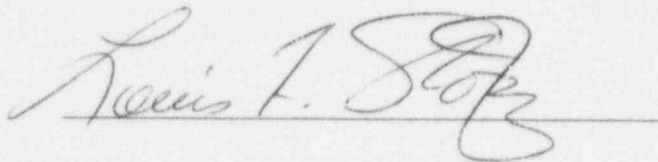
Mr. K. Tosch, Manager IV  
Bureau of Nuclear Engineering  
33 Arctic Parkway  
CN 415  
Trenton, NJ 08625

REF: LR-N97433  
LCR H97-05

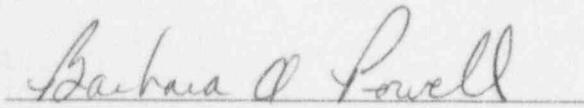
STATE OF NEW JERSEY )  
                          ) SS.  
COUNTY OF SALEM      )

L. F. Storz, being duly sworn according to law deposes and says:

I am Senior Vice President - Nuclear Operations of Public Service Electric and Gas Company, and as such, I find the matters set forth in the above referenced letter, concerning Hope Creek Generating Station, Unit 1, are true to the best of my knowledge, information and belief.



Subscribed and Sworn to before me  
this 16 day of July, 1997



Notary Public of New Jersey

**BARBARA A. POWELL**  
**NOTARY PUBLIC OF NEW JERSEY**  
My Commission Expires Dec. 2, 1998  
ID # 2188323

My Commission expires on \_\_\_\_\_

THE ATTACHMENTS TO THIS LETTER CONTAIN PROPRIETARY INFORMATION  
- NOT FOR PUBLIC DISCLOSURE -

ATTACHMENT 4  
LR-N97433  
HOPE CREEK GENERATING STATION  
FACILITY OPERATING LICENSE NPF-57  
DOCKET NO. 50-354  
SAFETY LIMIT MINIMUM CRITICAL POWER RATIO (SLMCPR) CHANGES

AFFIDAVIT AND BASIS FOR WITHHOLDING INFORMATION CONTAINED IN LCR  
H97-05 FROM PUBLIC DISCLOSURE

## Affidavit

I, **Ralph J. Reda**, being duly sworn, depose and state as follows:

- (1) I am Manager, Fuels and Facility Licensing, 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 attachments to the letter numbered LR-N97433, LCR H97-05, Public Service Electric & Gas Company to The United States Nuclear Regulatory Commission, *Request for Change to Technical Specifications (Supplement), Safety Limit Minimum Critical Power Ratio (SLMCPR), Hope Creek Generating Station, Facility Operating License NPF-57, Docket No. 50-354*.
- (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) and 2.790(a)(4) 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.



## Attachment

- (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. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in (6) and (7) following. 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.
- (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) is classified as proprietary because it would provide other parties, including competitors, with information related to detailed results of analytical models, methods and processes, including computer codes, which GE has developed, requested NRC approval of, and applied to perform evaluations of the BWR. The development of the evaluation process along with the interpretation and application of the analytical results is derived from the extensive experience database that constitutes a major GE asset.
- (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 fuel design and analytical methodology are part of GE's comprehensive BWR safety and technology base, and their 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.

Attachment

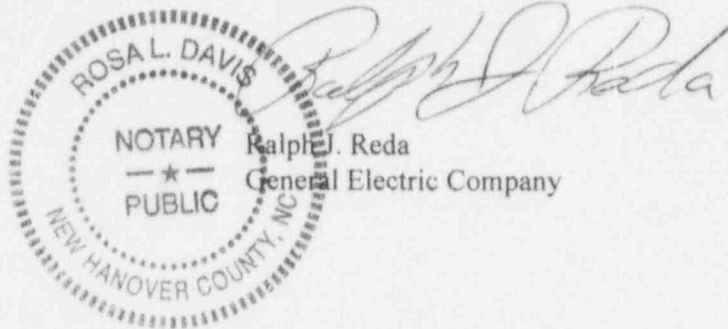
The value of this information to GE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of 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 North Carolina    )  
County of New Hanover    ) SS:

Ralph J. Reda, 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 Wilmington, North Carolina, this 7 day of July, 1997.

  
Ralph J. Reda  
General Electric Company

Subscribed and sworn before me this 7 day of July, 1997.



My commission expires on 12-14-97  
Notary Public, State of North Carolina



ATTACHMENT 3  
LR-N97433  
HOPE CREEK GENERATING STATION  
FACILITY OPERATING LICENSE NPF-57  
DOCKET NO. 50-354  
SAFETY LIMIT MINIMUM CRITICAL POWER RATIO (SLMCPR) CHANGES

TECHNICAL SPECIFICATION PAGES WITH PROPOSED CHANGES

The following Technical Specifications for Facility Operating License No. NPF-57 are affected by this change request:

<u>Technical Specification</u>	<u>Page</u>
2.1.2	2-1
Bases 2.0	B 2-1
3.4.1.1	3/4 4-1