

# BWR OWNERS' GROUP

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Project No. 691

BWROG-97095

November 18, 1997

US Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington DC 20555

Subject: **Transmittal of Errata to Licensing Topical Report, "Reactor Stability Long-Term Solution: Enhanced Option I-A Solution Design," NEDC-32339P-A Supplement 2, December 1996**

Enclosed is errata to NEDC-32339P-A Supplement 2, "Enhanced Option I-A Solution Design," which was discussed with the NRC on September 30, 1997. The changes are to address modifications to the Period Based Detection System (PBDS) card Hi Decay Ratio Alarm and filtering of LPRM signals. This errata is consistent with changes to NEDC-32339 Revision 1 which were previously submitted to the NRC for review and approval. Side bar markings, strikethrough of deletions and bold type of additions is used to indicate errata from the previously approved Supplement 2.

The NRC reviewers agreed at the September 30, 1997, meeting that the errata does not affect the safety evaluation report (SER) issued May 31, 1996 on Supplement 2. To provide approved documentation for use as a plant specific reference, the NRC is requested to issue a letter stating that the SER on Supplement 2 is not affected by the errata included with this submittal. A revision to NEDC-32339P-A Supplement 2 will be published incorporating this errata, the requested NRC letter, and the original SER on the E1A Solution Design.

Please note that this document is considered proprietary to GE, as attested to in the attached affidavit. Proprietary information has been delineated by heavy side-bar markings and underlines. We therefore request that this document be withheld from public disclosure in accordance with the provisions of 10CFR2.790.

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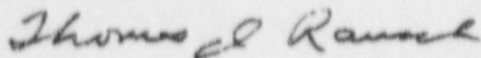
BWROG-97095

page 2

The information enclosed has been endorsed by the members of the BWROG participating in the Enhanced Option I-A Committee, however, it should not be interpreted as a commitment by any individual member to a specific course of action. Each member must formally endorse the BWROG position for that position to become the member's position.

If you have any questions on this information, please contact the BWROG Enhanced Option I-A Committee Chairmen, Israel Nir (Entergy), at (601) 368-5443, Jason Post (GE), at (408) 925-5362, or the undersigned.

Very truly yours,



Thomas J. Rausch, Chairman  
BWR Owners' Group

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Enclosure: (1) Errata to NEDC-32339P-A, Supplement 2, December 1996.  
(2) Affidavit, George B. Stramback, dated, November 18, 1997.

cc: WG Warren, BWROG Vice Chairman  
JH Wilson, NRC  
TL Huang, NRC  
LE Phillips, NRC  
AP Uises, NRC  
ME Waterman, NRC  
BWROG Primary Representatives of E1A Participating Utilities  
BWROG Enhanced Option I-A Committee  
DB Townsend, GE

## 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 in the Attachment to the letter Thomas J. Rausch, BWR Owner's Group Chairman to US Nuclear Regulatory Commission, *Transmittal of Errata to Licensing Topical Report, "Reactor Stability Long-Term Solution: Enhanced Option 1-A Solution Design," NEDC-32339P-A Supplement 2, December 1996*, dated November 18, 1997. The Attachment is an errata to the above identified document for NRC review and is marked as GE Proprietary Information and dated October 1997. The attachment and the base document taken as a whole, constitutes a proprietary compilation of information, some of it also independently proprietary, prepared by the General Electric Company. The independently proprietary elements are delineated by heavy side-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.

Both the compilation as a whole and the marked independently proprietary elements incorporated in that compilation are considered proprietary for the reason described in items (4)a., (4)b. and (4)d., above.

- (5) The information sought to be withheld is being submitted to NRC in confidence. That information (both the entire body of information in the form compiled in this document, and the marked individual proprietary elements) is of a sort customarily held in confidence by GE, and has, to the best of my knowledge, consistently been held in confidence by GE, has not been publicly disclosed, and 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 by heavy side-bars in the margin is classified as proprietary because it contains design details of the Enhanced Option I-A hardware and the methodology which GE has developed to satisfy the long term stability solution. Several hundred thousand dollars has been expended by General Electric to develop this information in support of members of the BWR Owners' Group.

The remainder of the information identified in paragraph (2), above, is classified as proprietary because it constitutes a confidential compilation of information, including conclusions from these applications, which represent, as a whole, an integrated process or approach which GE has developed. The development of this overall approach was a substantial effort by GE, over and above the large cost of developing the underlying individual proprietary 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:

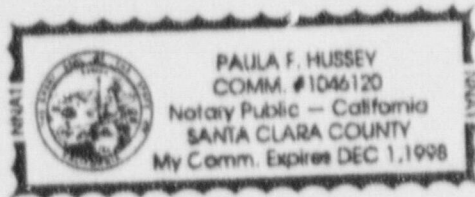
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at San Jose, California, this 18<sup>th</sup> day of November 1997.

George B. Stramback

George B. Stramback  
General Electric Company

Subscribed and sworn before me this 18<sup>th</sup> day of November 1997.



Paula F. Hussey  
Notary Public, State of California