



P.O. BOX 5000 - CLEVELAND, OHIO 44101 - TELEPHONE (216) 622-9800 - ILLUMINATING BLDG - 55 PUBLIC SQUARE

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MURRAY R. EDELMAN
VICE PRESIDENT
NUCLEAR

February 22, 1983

PY-CEI/NRR-0017 L

Mr. B. J. Youngblood, Chief
Licensing Branch No. 1
Division of Licensing
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Perry Nuclear Power Plant
Docket Nos. 50-440; 50-441
Proprietary Information -
GE's Licensing Topical Report
NEDE-24326-1-P, "General Electric
Environmental Qualification Program"

Dear Mr. Youngblood:

Attached herewith are twenty-five (25) copies of information proprietary to General Electric's Environmental Qualification Program. NEDE-24326-P, Rev. 1 is submitted along with an affidavit prepared by an official of the General Electric Company describing why this information should be withheld from public disclosure in accordance with 10 CFR, Part 2.790. This NEDE supercedes NEDE-24326-P transmitted to Mr. A. Schwencer on August 18, 1982.

If you have any questions, please contact Mr. K. Matheny at (216) 259-3737.

Very truly yours,

Murray R. Edelman
Vice President
Nuclear Group

MRE:kh

cc: Jay Silberg, Esq., w/o attachments
John Stefano, with attachments
Max Gildner, w/o attachments

Attachments

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THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

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A048

REVISIONS TO NEDE-24326-P

General Electric has instituted changes in the Licensing Topical Report describing General Electric's Environmental Qualification Program (NEDE-24326-P). This revision, now designated as NEDE-24326-1-P, reflects changes originating from:

- 1) Incorporation of responses to NRC/EG&G comments on NEDE-24326-P.
- 2) Resolution of customer comments received after the LTR was originally submitted to the NRC.
- 3) Correction of typos
- 4) Removal of extraneous material
- 5) The need to expand the guidance provided to the end user of the document in appendices C and D of NEDE-24326-P.

The most encompassing changes were in Section 4.4.2.5.1 and a complete rewrite of Appendices C and D. Section 4.4.2.5.1 was expanded in response to staff questions dealing with dynamic qualification testing. Appendices C and D were completely rewritten following the development of the sample qualification packages recently provided the NRC. During the development of these packages, it was realized that the original version of these appendices did not provide sufficient detail to the end user in order to prepare an adequate Similarity/Traceability analysis or to develop a Product Functional Performance Requirements document. The modifications made are intended to facilitate the development of such documents in the future. None of the changes in the document initiated by either GE or our customers is considered to impact adversely the technical adequacy of the document. The revised LTR is currently in the form which GE would intend to use in all future harsh environment qualification efforts and as such is hence the basis upon which the NRC should prepare its acceptance of the program.

NS:pab/J011802
1/18/83

GENERAL ELECTRIC COMPANY

AFFIDAVIT

I, Joseph F. Quirk, being duly sworn, depose and state as follows:

1. I am Manager, BWR Systems Licensing, 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 the attached Revision 1 to NEDE-24326-P (General Electric Environmental Qualification Program).
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. In addition to proprietary treatment given to material meeting the standards enumerated above, General Electric customarily maintains in confidence preliminary and draft material which has not been subject to complete proprietary, technical and editorial review. This practice is based on the fact that draft documents often do not appropriately reflect all aspects of a problem, may contain tentative conclusions and may contain errors that can be corrected during normal review and approval procedures. Also, until the final document is completed it may not be possible to make any definitive determination as to its proprietary nature. General Electric is not generally willing to release such a document to the general public in such a preliminary form. Such documents are, however, on occasion furnished to the NRC staff on a confidential basis because it is General Electric's belief that it is in the public interest for the staff to be promptly furnished with significant or potentially significant information. Furnishing the document on a confidential basis pending completion of General Electric's internal review permits early acquaintance of the staff with the information while protecting General Electric's potential proprietary position and permitting General Electric to insure the public documents are technically accurate and correct.
6. 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.
7. 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.

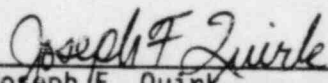
8. The document mentioned in paragraph 2 above has been evaluated in accordance with the above criteria and procedures and has been found to contain information which is proprietary and which is customarily held in confidence by General Electric.
9. The Revision 1 to NEDE-24326-P mentioned in Paragraph 2 above provides information on the environmental qualification program GE is undertaking on the behalf of a group of customers to qualify Class 1E devices to the requirements of NUREG-0588. This information was obtained at a considerable expense to General Electric. 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 eliminate or reduce profit making opportunities.

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss:

Joseph F. Quirk, being duly sworn, deposes and says:

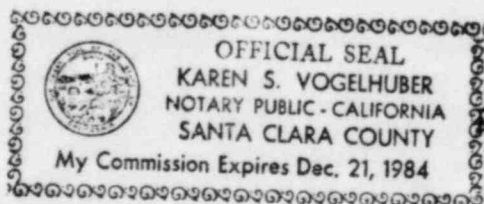
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

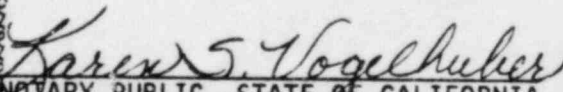
Executed at San Jose, California, this 9 day of February, 1983.



Joseph F. Quirk
General Electric Company

Subscribed and sworn before me this 9 day of February 1983.





Karen S. Vogelhuber
NOTARY PUBLIC, STATE OF CALIFORNIA

csc/I01271