

Public Service  
Electric and Gas  
Company

Steven E. Miltenberger

Public Service Electric and Gas Company P.O. Box 236, Hancocks Bridge, NJ 08038 609-339-1100

Vice President and Chief Nuclear Officer

AUG 23 1994

NLR-N94147

United States Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555

Gentlemen:

RESUBMITTAL OF AXIAL LATTICE LOCATIONS AND COMPOSITE MAPLHGR  
INFORMATION FOR CYCLE 6/RELOAD 5  
HOPE CREEK GENERATING STATION  
FACILITY OPERATING LICENSE NPF-57  
DOCKET NO. 50-354

In NLR-N94077 dated April 26, 1994, Public Service Electric and Gas Company transmitted information relative to the Hope Creek Cycle 6/Reload 5 axial lattice locations and composite MAPLHGRs. This information was required to be submitted in accordance with requirements contained in NEDE-24011-P-A-9-US. The subject information is proprietary and was identified as such in the transmittal letter; however, the pages of the report which contained the information were not marked as being proprietary.

The purpose of this letter is to resubmit the subject information with each of the pages specifically marked to identify the information as being proprietary. This purpose is accomplished in Attachment 1 to this letter.

Attachment 1 reprints proprietary information from the following two General Electric (GE) reports:

General Electric Report 23A6526AA, Revision 0, "Supplemental Reload Licensing Submittal for HCGS Reload 3, Cycle 4" dated January 1991.

General Electric Report 23A7219AA, Revision 0, "Lattice-Dependent MAPLHGR Report for HCGS Reload 5, Cycle 6" dated October 1993.

These GE reports were submitted as Attachment A to NLR-N94077.

Since Attachment 1 includes information reprinted from proprietary GE reports, we respectfully request that it be withheld from public disclosure and not be reproduced in accordance with 10CFR2.790. An affidavit from GE attesting to the proprietary nature of this information is enclosed as Attachment 2.

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To facilitate your distribution of this report, enclosed in Attachment 3 is a non-proprietary copy of the information. In this non-proprietary copy, brackets appear where the proprietary information has been removed. In the margin is a note identifying the GE report and page number from which this information was reprinted.

Should you have any questions or comments on this transmittal, do not hesitate to contact us.

Sincerely,



Attachments (3)

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

Mr. D. Moran, Licensing Project Manager - Hope Creek  
U. S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

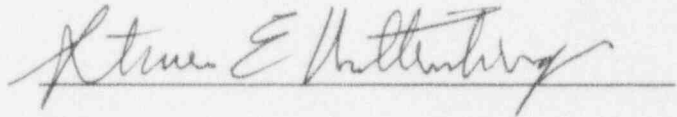
Mr. R. Summers (S05)  
USNRC Senior Resident Inspector

Mr. K. Tosch, Manager, IV  
NJ Department of Environmental Protection  
Division of Environmental Quality  
Bureau of Nuclear Engineering  
CN 415  
Trenton, NJ 08625

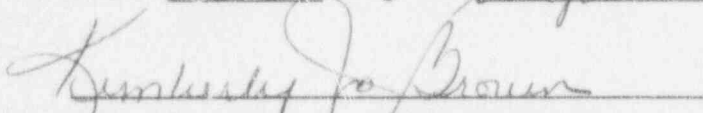
STATE OF NEW JERSEY            )  
                                      ) SS.  
COUNTY OF SALEM                )

S. E. Miltenberger, being duly sworn according to law deposes and says:

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



Subscribed and Sworn to before me  
this 23rd day of August, 1994

  
Notary Public of New Jersey

KIMBERLY JO BROWN  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires April 21, 1998

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

ATTACHMENT 2 TO NIR-N94147

GENERAL ELECTRIC AFFIDAVIT ATTESTING TO THE  
PROPRIETARY NATURE OF THIS INFORMATION

HOPE CREEK GENERATING STATION  
FACILITY OPERATING LICENSE NPF-57  
DOCKET NO. 50-354



## Affidavit

I, **James F. Klapproth**, being duly sworn, depose and state as follows:

- (1) I am Manager, Fuel 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 two proprietary reports: 23A6526AA, *Supplemental Reload Licensing Submittal for Hope Creek Generating Station Unit 1 Reload 3, Cycle 4*, dated January 1991, and 23A7219AA, *Lattice-Dependent MAPLHGR Report for Hope Creek Generating Station Unit 1 Reload 5, Cycle 6*, dated October 1993.
- (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. 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 contains details of fuel designs which GE has developed and applied to the Hope Creek Generating Station for use in generating electrical power.

The development and approval of the fuel design used in this analysis was achieved at a significant cost, on the order of several million dollars, to GE.

- (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 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.

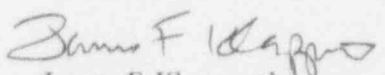
The value of this information to GE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of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

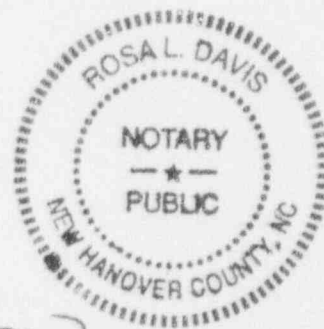
James F. Klapproth, being duly sworn, deposes and says:

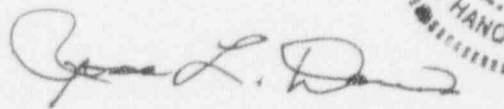
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Wilmington, North Carolina, this 12<sup>th</sup> day of August 1994

  
James F. Klapproth  
General Electric Company

Subscribed and sworn before me this 12<sup>th</sup> day of Aug, 1994



  
Notary Public, State of North Carolina

*my notary expires 12-14-97*