



## Nebraska Public Power District

GENERAL OFFICE  
P.O. BOX 499, COLUMBUS, NEBRASKA 68601-0499  
TELEPHONE (402) 564-8561

LQA8300088

February 15, 1983

Mr. Domenic B. Vassallo, Chief  
Operating Reactors Branch #2  
Division of Licensing  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Subject: Safety Relief Valve Low-Low Set  
System and Lower MSIV Water Level  
Trip for Cooper Nuclear Station  
NRC Docket No. 50-298, DPR-46

Reference: 1. Letter from J. M. Pilant to D. B. Vassallo,  
dated December 17, 1982, same subject.

Dear Mr. Vassallo:

In Reference 1, the Nebraska Public Power District submitted Technical Specifications and design information for the subject design change at Cooper Nuclear Station. Submitted herein as additional information are five copies of "Low-Low Set Relief Logic System and Lower MSIV Water Level Trip for Cooper Nuclear Station, Unit 1", NEDE-22197, December 1982, General Electric Company. This report contains information which the General Electric Company customarily maintains in confidence and withholds from public disclosure. The information has been handled and classified as proprietary to General Electric. As indicated in the attached affidavit, we hereby request that NEDE-22197 be withheld from public disclosure in accordance with the provisions of 10CFR2.790.

Once again the District respectfully requests approval of the subject design change and Technical Specifications by May 1, 1983 so that it may be installed during the spring 1983 refueling outage.

Sincerely,

Jay M. Pilant  
Division Manager of  
Licensing and Quality Assurance

Attachments

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PDR ADOCK 05000298  
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GENERAL ELECTRIC COMPANY

AFFIDAVIT

I, Glenn G. Sherwood, being duly sworn, depose and state as follows:

1. I am Manager, Safety and Licensing Operation, 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. "Low-Low Set Relief Logic System and Lower MSIV Water Level Trip for Cooper Nuclear Station, Unit 1," December 1982 (NEDE-22197).
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.

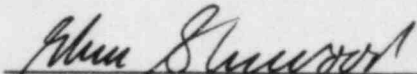
8. The document mentioned in paragraph 2 above has been evaluated in accordance with the above criteria and procedures and has been found to contain information which is proprietary and which is customarily held in confidence by General Electric.
9. The information contained herein is the result of extensive analyses performed at considerable cost to the General Electric Company. The development and verification of these methods, as well as their application and execution cost in excess of \$12 million.

STATE OF CALIFORNIA        )  
COUNTY OF SANTA CLARA    ) ss:

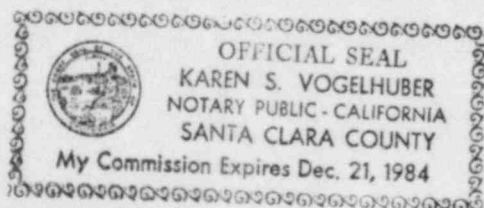
Glenn G. Sherwood, being duly sworn, deposes and says:

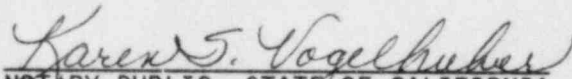
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at San Jose, California, this 26 day of January, 1983.

  
Glenn G. Sherwood  
General Electric Company

Subscribed and sworn before me this 26 day of January 1983



  
NOTARY PUBLIC, STATE OF CALIFORNIA

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