



Carolina Power & Light Company

MAR 1 1988

SERIAL: NLS-88-047  
10CFR2.790

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

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2  
DOCKET NOS. 50-325 & 50-324/LICENSE NOS. DPR-71 & DPR-62  
REQUEST FOR WITHHOLDING FROM PUBLIC DISCLOSURE  
SUBMITTAL OF GENERAL ELECTRIC AFFIDAVIT

Gentlemen:

On January 27, 1988, representatives of Carolina Power & Light Company (CP&L) and General Electric Company (GE) met with the NRC Staff to discuss nozzle weld butter crack indications recently discovered at the Brunswick Steam Electric Plant, Unit-2. Presentations relative to this issue were given by both CP&L and GE.

With respect to the GE portion of the presentation, 13 charts containing stress corrosion results and stress analysis data, were identified as confidential information that should be withheld from public disclosure. Enclosed is an affidavit signed by GE, owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission in accordance with 10CFR2.790(b)(1). Accordingly, we request that the information, which is proprietary to GE, be withheld from public disclosure in accordance with 10CFR2.790.

If you have any questions concerning this matter, please contact Mr. S. D. Floyd at (919) 836-6901.

Yours very truly,

L. I. Loflin  
Manager

Nuclear Licensing Section

EKN/ekn

Enclosures:

- (1) Affidavit for Withholding of Information
- (2) January 17, 1988 Presentation Material by GE

cc: Dr. J. Nelson Grace  
Mr. W. H. Ruland  
Mr. E. D. Sylvester  
Ms. Wanda Yee (GE-BNP)

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ENCLOSURE 1

AFFIDAVIT FOR WITHHOLDING OF INFORMATION

## GENERAL ELECTRIC COMPANY

### AFFIDAVIT

I, Ricardo Artigas, being duly sworn, depose and state as follows:

1. I am Manager, Licensing and Consulting Services, 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 thirteen (13) charts which were used in a Carolina Power & Light presentation to the NRC on January 27, 1988.
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 the 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 disclosed 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 complete 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 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 typically made by the Subsection manager of the originating component, who is 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 are clearly identified as proprietary.
7. The procedure for approval of external release of such a document typically requires review by the Subsection Manager, Project manager, Principal Scientist or other equivalent authority, by the Subsection Manager of the cognizant Marketing function (or 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 then only with appropriate protection by applicable regulatory provisions or proprietary agreements.

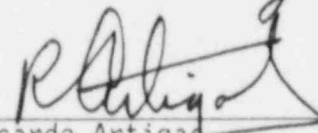
8. The document mentioned in paragraph 2 above has been evaluated in accordance with the above criteria and procedures and has been found to contain information which is proprietary and which is customarily held in confidence by General Electric.
9. The information to the best of my knowledge and belief has consistently been held in confidence by the General Electric Company, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties have been made pursuant to regulatory provisions of proprietary agreements which provide for maintenance of the information in confidence.
10. The document mentioned in paragraph 2 above is classified as proprietary because it contains details of GE test data on material properties which are not available to other parties. The information is of a type customarily held in confidence by GE since it reveals valuable test information obtained at considerable expense to GE.

STATE OF CALIFORNIA        )  
COUNTY OF SANTA CLARA    ) ss:

Ricardo Artigas, being duly sworn, deposes and says:

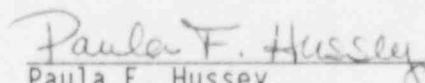
That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at San Jose, California, this 18<sup>th</sup> day of February, 1988.

  
\_\_\_\_\_  
Ricardo Artigas  
General Electric Company

Subscribed and sworn before me this 18<sup>th</sup> day of February 1988.



  
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Paula F. Hussey  
Notary Public - California  
Santa Clara County