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MFN 00-007

U. S. Nuclear Regulatory Commission
Document Control Desk
Washington DC 20555

Attention: Chief, Information Management Branch
Program Management
Policy Development and Analysis Staff

Subject: **TRANSMITTAL OF GE PROPRIETARY REPORT NEDC-32956P, "TRACG02A User's Manual", Revision 0, dated February 2000.**

Reference:

1. GE/NRC Meeting Slides MFN 99-015, "TRACG Transient Application Methodology", Meeting on May 25, 1999.
2. GE/NRC Letter MFN 99-016, J. F. Klapproth to J. Wermiel, NEDC-32900P."Licensing Topical Report TRACG Licensing Application Framework for AOO Transient Analyses", June 1999.
3. GE/NRC Letter MFN-99-020, J. F. Klapproth to Steven Dembek, "NRC/GE Meeting on TRACG Review for BWR Transient Application - July 15, 1999", dated July 27, 1999.
4. GE/NRC MFN 99-040, GE LTR NEDE-32176P, "TRACG Model Description" Rev. 2, December 1999.
5. GE/NRC MFN 00-001, GE LTR NEDE-32906P, "TRACG Application for Anticipated Operational Occurrences (AOO) Transient Analyses", dated January 2000.
6. GE/NRC MFN 00-002, GE LTR NEDE-32177P, "TRACG Qualification", Revision 2, dated January 2000.

This letter transmits 15 copies of Revision 0 to GE Proprietary report NEDC-32956P, "TRACG02A User's Manual", dated February 2000. As discussed previously with the NRC staff (References 1 - 3), GE is seeking approval for the use of TRACG for licensing applications related to Anticipated Operational Occurrences (AOOs) in operating BWR/2-6 plants. Revision 0 to NEDC-32956P is the user's manual for TRACG02A and is submitted to support the NRC review of the code application described in the three LTRs submitted in references 4, 5, and 6.

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Please note that this document contains information of the type that the General Electric Company (GE) maintains in confidence and withholds from public disclosure. The information has been handled and classified as proprietary to GE as indicated in the attached affidavit. We hereby request that this information be withheld from public disclosure in accordance with the provisions of 10CFR2.790.

Should you have any questions concerning the subject document, please contact Erik Bakke at (408) 925-1451 (erik.bakke@gene.ge.com).

Sincerely,

J. F. Klapproth, Manager
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Attachment: Affidavit
cc:

R. Pulsifer	(NRC)
R. Caruso	(NRC)
Jared Wermiel	(NRC)

General Electric Company

AFFIDAVIT

I, Dave Robare, being duly sworn, depose and state as follows:

(1) I am Dave Robare, Acting Manager, Consulting 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) GE is an owner of the information sought to be withheld. This information is contained in the GE proprietary Licensing Topical Report NEDC-32956P Revision 0, "TRACG02A User's Manual", dated February 2000. Proprietary information is delineated by bars marked in the right-hand margin adjacent to the specific material.

(3) In making this application for withholding of proprietary information, 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 GE's competitors without license from GE 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 GE, its customers, or its suppliers;

d. Information which reveals aspects of past, present, or future GE customer-funded development plans and programs, of potential commercial value to GE;

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., (4)b. and (4)d., 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. 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. 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 component to whom the work was provided, 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), above, is classified as proprietary because it contains detailed results of analytical models, methods and processes, including descriprion of computer codes which would provide other parties, including competitors, with information related to GE analytical methods, analysis results and potential commercial offerings for the BWR plant design, which were developed at a considerable expense to GE.

The development of the evaluation process along with the interpretation and application of the analytical results is derived from the extensive experience database that constitutes a major asset 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 information is part of GE's comprehensive BWR 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.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by GE.

The precise value of the expertise to devise testing and 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)

David J. Robare, 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 25TH day of FEBRUARY 2000.

David J. Robare

David J. Robare
General Electric Company

Subscribed and sworn before me this 25th day of February 2000.

Vicky D Schroer

Notary Public, State of California