



James F. Klapproth
Manager, Engineering and Technology

Nuclear Services
General Electric Company
175 Curtner Avenue, MC 706, San Jose, CA 95125-1088
408 925-5434, Fax: 408 925-3837
james.klapproth@gene.ge.com

September 25, 2000

MFN 00-038

US Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

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

Subject: **GE Presentation Information from September 11, 2000 NRC/GE Meetings**

Reference: MFN 00-028, J. F. Klapproth to NRC, *Draft GE Proprietary Slides for August 15, 2000 GE/NRC Meeting*, dated July 26, 2000

This letter provides, as attachments, the presentation material covered during the series of meetings, held on September 11, 2000, with members of the NRC staff and representatives of GE. The Reference letter provided preliminary draft presentation material to substantiate the proprietary content of the information. In addition to a status review of the GE LTR submittal plans, there were three principal topics covered during these meetings, the first of which had multiple presentations:

- 1) TRACG Licensing Topical Report,
- 2) Thermal Power Optimization (TPO) Licensing Topical Report, and
- 3) Extended Power Uprate (EPU) Process Improvements.

The first and second of these topics and related sub-topics support existing GE LTR submittals that are under NRC review. The third topic covered GE proposed improvements to the existing NRC approved EPU process.

The information discussed during the meetings on September 11, 2000 is considered to be proprietary to GE. In the first two cases, the Licensing Topical Reports were submitted as proprietary reports. In the third case, GE discussed a revised generic approach to analyses supporting EPUs. This EPU process is considered proprietary to GE. The secondary information also is considered proprietary because it supports the proprietary submittals.

T007

MFN 00-038
September 25, 2000

Please note that the attachments contain proprietary information of the type that 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. GE hereby requests that this information be withheld from public disclosure in accordance with the provisions of 10CFR2.790.

Sincerely,



J. F. Klapproth, Manager
Engineering and Technology
GE Nuclear Energy
(408) 925-5434

Attachments: Affidavit by George B. Stramback, dated September 25, 2000

Presentation Slides:

A) *NRC Submittals*

- 1) B) *NRC Requests for Additional Information on TRACG - GE Responses*
- C) *Void Coefficient Bias and Uncertainty*
- D) *Hypothetical Initial Core of GE12*
- E) *LOCA Analysis Options for SAFER/GESTR*
- 2) F) *GE's Thermal Power Optimization (TPO) Program-Update*
- 3) G) *Extended Power Uprate Simplification: Constant Reactor Dome Pressure*

cc:

R. Pulsifer (NRC)
Ralph Landry (NRC)
R. Caruso (NRC)
G. Watford (GNF)

General Electric Company

AFFIDAVIT

I, **George B. Stramback**, being duly sworn, depose and state as follows:

- (1) I am Project Manager, Regulatory 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) The information sought to be withheld is contained in the Attachments to GE letter MFN 00-038, J. F. Klapproth to NRC, *GE Presentation Information from September 11, 2000 NRC/GE Meetings*, dated September 25, 2000. The proprietary information is marked with (General Electric Proprietary Information), (GE Proprietary Information), (GENE Proprietary Information) or (GNF Proprietary Information). The proprietary information is the presentations A) *NRC Submittals*, B) *NRC Request for Additional Information on TRACG-GE Responses*, C) *Void Coefficient Bias and Uncertainty-Additional Information for NRC RAI-1 #12*, D) *Hypothetical Initial Core of GE12*, E) *LOCA Analysis Options for SAFER/GESTR*, F) *GE's Thermal Power Optimization (TPO) Program-Update*, and G) *Extended Power Uprate Simplification: Constant Reactor Dome Pressure*.
- (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. 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 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), above, is classified as proprietary because A), B), C), D), & E) contain results of analytical models, methods and processes, including computer codes, which GE has developed, discussed and submitted to the NRC, and intends to apply to perform evaluations of transients for the BWR, and F) & G) contain information about the extension and improvement of the power uprate models, methods and processes, including computer codes, which GE has developed, obtained NRC approval of, and applied to perform evaluations of transient and accident events in the GE Boiling Water Reactor ("BWR").

The development and approval of the TRACG computer code was achieved at a significant cost, on the order of several million dollars, to GE. The development and approval of the SAFER/GESTR computer code also was achieved at a significant cost, on the order of several million dollars, 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 GE asset.

- (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 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.

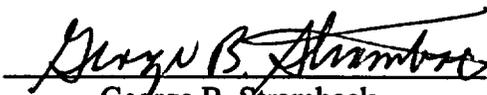
The value of this information to GE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of 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 CALIFORNIA)
)
COUNTY OF SANTA CLARA) ss:

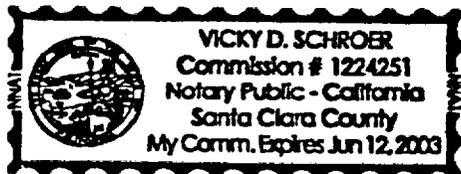
George B. Stramback, being duly sworn, deposes and says:

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 September 2000.


George B. Stramback
General Electric Company

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




Notary Public, State of California