

BWR OWNERS' GROUP

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NRC Project 691

BWROG-00075

July 31, 2000

US Nuclear Regulatory Commission
Mr. Robert Pulsifer
One White Flint North (Mail Stop 13D1)
11555 Rockville Pike
Rockville, MD 20852-2738

SUBJECT: ***BWR OWNERS' GROUP LICENSING TOPICAL REPORT
NEDC-32975P "REGULATORY RELAXATION FOR BWR LOOSE PARTS
MONITORING SYSTEMS" dated July 2000***

Attachments: (1) Proprietary Information Affidavit
(2) NEDC-32975P "Regulatory Relaxation for BWR Loose Parts Monitoring Systems" dated July 2000

The BWR Owners' Group (BWROG) has completed an evaluation with respect to the benefits of safety grade Loose Parts Monitoring Systems which are currently installed at the 15 U.S. BWRs that have licensing requirements for this system. Approximately 60% of U.S. BWRs have not been required to install this system. The BWROG has determined that Loose Parts Monitoring Systems have not provided the safety benefits initially envisioned in the 1970s. Due to the high repair costs and associated high radiation exposures, the BWROG objective is to eliminate requirements for loose parts monitors for all U.S. BWRs.

The BWROG has also considered the effect of removing the Loose Parts Monitoring Systems from a safety risk perspective. None of the BWR Probabilistic Risk Assessments (PRAs) rely upon or address Loose Parts Monitoring Systems and, therefore, quantitative risk assessments cannot be made. The risk insights based on several hundred years of plant experience indicates that the existence / non-existence of Loose Parts Monitoring Systems has had no effect on core damage and/or large early release fractions (LERF).

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This BWROG Licensing Topical Report is intended to enable participating BWR Owners to eliminate Loose Parts Monitoring Systems with minimal need for plant specific NRC reviews. This approach minimizes the resource demand on both the licensee and the NRC for developing individualized justifications and for conducting regulatory reviews, respectively. For plants that have the Loose Parts Monitoring System in their Technical Requirements Manual (TRM) it is expected that system deletion can be accomplished via the 10CFR50.50 process after the NRC approves this generic Licensing Topical Report. For plants that have these requirements in their Technical Specifications, plant specific license amendments will be required.

This letter has been endorsed by a substantial number of the members of the BWR Owners' Group; however, it should not be interpreted as a commitment of any individual member to a specific course of action. Each member must formally endorse the BWROG position in order for that position to become the member's position.

The BWR Owners' Group is looking forward to your timely review of this Licensing Topical Report. If you desire to discuss this information in more detail, please contact the General Electric Project Manager, TA Green at (408) 925-1308 or the undersigned.

Very truly yours,



James M. Kenny, Chairman
BWR Owners' Group

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cc: BWROG Primary Representatives
BWROG Executive Oversight Committee
BWROG Loose Parts Monitoring Subcommittee
TG Hurst, GE
TA Green, GE
RA Head, GE

Attachment 1

**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 BWR Owners' Group Licensing Topical Report, NEDC-32975P, "Regulatory Relaxation for BWR Loose Parts Monitoring Systems", dated July 2000. The proprietary information is delineated by bars marked in the 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 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 customer-funded development plans and programs, of potential commercial value;
- 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)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 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 it contains results of GE evaluations performed for the BWR VIP that is also contained in EPRI restricted reports. Other information regarding plant specific evaluation results are also included. A substantial effort has been expended by General Electric to develop information in support of the BWR VIP and BWR Owners' Group.
- (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 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.

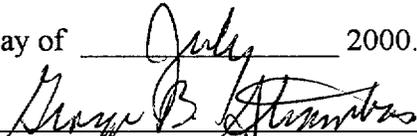
The value of this information to GE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of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

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 31st day of July 2000.



George B. Stramback
General Electric Company

Subscribed and sworn before me this 31st day of JULY 2000.



Notary Public, State of California

