



*GE Nuclear Energy*

*BWR Owners' Group  
General Electric Company  
175 Curtner Ave San Jose CA 95125*

**NRC Project 691**

OG01-0234-237  
July 20, 2001

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

SUBJECT: ***TRANSMITTAL OF BWR OWNERS' GROUP REVISED CORE DAMAGE ASSESSMENT GUIDANCE TO SUPPORT ELIMINATION OF PASS REGULATORY REQUIREMENTS AT BWRs***

Attachments: (1) Proprietary Information Affidavit  
(2) NEDC-33045P "Methods of Estimating Core Damage in BWRs" dated July 2001

The BWR Owners' Group (BWROG) has issued revised core damage assessment guidance to support elimination of Post Accident Sampling Systems (PASS) regulatory requirements at BWRs (Attachment 2). This document provides the methodology that will allow BWR plants to estimate the extent of core damage following accidents and transients without obtaining and analyzing reactor coolant and containment atmospheric samples.

The NRC Staff has requested a copy of the BWROG revised core damage assessment guidance for information purposes only. It is our understanding that the NRC will not formally review this document and, therefore, the BWROG does not expect to be charged for related NRC activities. The BWROG will, however, be pleased to answer any questions that you may have with respect to this document.

The BWROG has instructed GE to maintain the revised BWR core damage assessment guidance as proprietary because non-participating utilities (mostly overseas BWROG associate members) may elect to purchase this information at a later date. This document relies heavily on industry work in the following areas:

- Emergency procedures and severe accident guidelines
- Accident management guidelines

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- IDCOR technical information regarding fission product transport in degraded core accidents and plant response to severe accidents
- NUMARC/NESP methodology for development of emergency action levels
- Various NRC NUREGs dealing with emergency response plans and preparedness in support of nuclear power plants
- Other NRC NUREGs dealing with accident source terms and hydrogen generation issues

GE has classified this document as proprietary because the compilation of the applicable information has resulted in a product that can be effectively employed by BWRs on a worldwide basis if desired. Because the NRC does not plan to formally review this document, we have elected to not specifically identify the information that is considered proprietary. We request that this document, in its entirety, be treated as proprietary.

If you desire to discuss this information in more detail, please contact the undersigned.

Respectfully yours



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Senior Technical Project Manager  
BWR Owners' Group  
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Attachments

cc: US Nuclear Regulatory Commission Public Document Room  
BWROG Primary Representatives  
BWROG Post Accident Sampling System Committee  
JM Kenny, PPL  
JA Gray, Entergy NE  
TG Hurst, GE  
TA Green, GE  
RA Head, GE

# General Electric Company

## AFFIDAVIT

I, **David J. Robare**, being duly sworn, depose and state as follows:

- (1) I am Technical Projects Manager, 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 GE proprietary report NEDC-33045P, *Methods of Estimating Core Damage in BWRs*, Revision 0, Class III (GE Company Proprietary Information), dated July 2001. This document, taken as a whole, constitutes a proprietary compilation of information.
- (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 compilation is considered proprietary for the reason described in items (4)a. and (4)b., above.

- (5) The information sought to be withheld is being submitted to NRC in confidence. That information, the entire document, is of a sort customarily held in confidence by GE, and has, to the best of my knowledge, consistently been held in confidence by GE, has not been publicly disclosed, and 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 constitutes a confidential compilation of information.
- (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.

GE's competitive advantage will be lost if its competitors are able to use the results of the GE experience to avoid fruitless avenues, or to normalize or verify their own process, or to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions. In particular, the specific areas addressed by any document and submittal to support a change in the safety or licensing bases of the plant will clearly reveal those areas where detailed evaluations must be performed and specific analyses revised, and also, by omission, reveal those areas not so affected.

While some of the underlying analyses, and some of the gross structure of the process, may at various times have been publicly revealed, enough of both the analyses and the detailed structural framework of the process have been held in confidence that this information, in this compiled form, continues to have great competitive value to GE. This value would be lost if the information as a whole, in the context and level of detail provided in the subject GE document, were to be 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 investment in developing its analytical process.

STATE OF CALIFORNIA            )  
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COUNTY OF SANTA CLARA        )

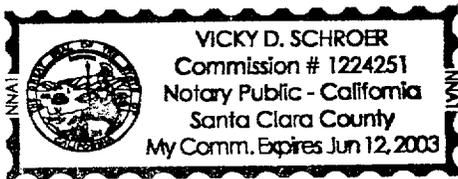
David J. Robare, being duly sworn, deposes and says:

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 20<sup>TH</sup> day of JULY 2001.

  
\_\_\_\_\_  
David J. Robare  
General Electric Company

Subscribed and sworn before me this 20<sup>th</sup> day of July 2001.



  
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Notary Public, State of California