



*GE Nuclear Energy*

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MFN 02-011

March 12, 2002

U.S Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20555-0001

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

Subject: **GE Draft Presentation Slides (Proprietary Information)**  
**Re: MELLLA+ Stability & ATWS Pressure with TRACG**

Reference: GE Licensing Topical Report NEDC-33006P, "General Electric Boiling  
Water Reactor Maximum Extended Load Line Limit Analysis Plus,"  
January 2002

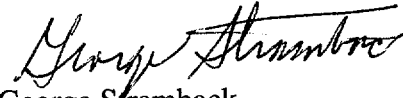
Enclosed are proprietary draft presentation slides for two meetings with the NRC staff on March 27, 2002. The first (Attachment 1) is for the MELLLA+ Stability Meeting, which refers to the M+LTR, which was submitted for NRC Review (Reference). The second (Attachment 2) is for the ATWS Pressure with TRACG Meeting, on the same day. GE-NE customarily maintains this information in confidence and withholds it from public disclosure.

The attached affidavit (Attachment 3) identifies that the designated information has been handled and classified as proprietary to GE-NE. GE-NE hereby requests that the designated information be withheld from public disclosure in accordance with the provisions of 10 CFR 2.790 and 9.17.

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If you have any questions about the information provided here please contact PT Tran at (408) 925-3348, or myself.

Sincerely,



George Stramback  
Regulatory Services, Project Manager  
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- Attachments:
- 1) *Stability LTS Option III Licensing Basis For MELLLA+, LTS Option III-CD (Confirmation Density), Closed Session, March 27, 2002*
  - 2) *TRACG Application for ATWS Overpressure Transient Analyses, Closed Session, March 27, 2002*
  - 3) Affidavit, George B. Stramback, dated March 12, 2002

cc: JE Donoghue – USNRC  
FT Bolger  
JF Klapproth  
I Nir  
PT Tran

# General Electric Company

## AFFIDAVIT

**I, George B. Stramback**, 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 Attachments 1 & 2 to MFN 02-011, George Stramback to NRC, *GE Draft Presentation Slides (Proprietary Information) Re: MELLLA+ Stability & ATWS Pressure with TRACG*, dated March 12, 2002. The attachments [1) *Stability LTS Option III Licensing Basis For MELLLA+, LTS Option III-CD (Confirmation Density)*, Closed Session, March 27, 2002, and 2) *TRACG Application for ATWS Overpressure Transient Analyses*, Closed Session, March 27, 2002], marked GE Proprietary Information, contain the proprietary 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 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, for the first presentation is classified as proprietary because it contains newly developed information on an approach and method to perform stability analyses for application to the MELLLA+

product, which is documented in GE proprietary report *NEDC-33006P*, "General Electric Boiling Water Reactor Maximum Extended Load Line Limit Analysis Plus," (GE Proprietary Information), January 2002. Also the information identified in paragraph (2), above, for the second presentation is classified as proprietary because it contains a new approach to performance of ATWS Pressure analyses using the TRACG model, which GE has developed, the NRC has approved for other applications, and GE intends to use for performing ATWS pressure analyses for the BWR.

The development of the MELLLA+ product was achieved at a significant cost, on the order of several million dollars, to GE. 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 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.

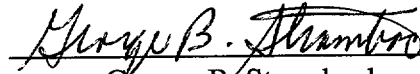
The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

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.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 12<sup>th</sup> day of March 2002.

  
George B. Stramback  
General Electric Company