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MFN 05-083
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Project 717

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

Subject: TRACG AOO Runfiles and PANAC Wrapup File

In response to a request from the NRC, GE is providing the Enclosure 1 CD, which contains the TRACG AOO runfiles and PANAC wrapup file. This supplemental information will assist the staff's review because they will have a complete set of executable files for both ATWS and AOO cases previously provided (References 1 and 2). It is GE's understanding that this information will be used by the NRC in developing TRACE inputs for the 1132 bundle ESBWR. The information consists of:

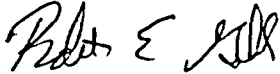
1. PANAC gap conductance for steady state case
2. TRACG AOO runfiles for steady state, Load Rejection No Bypass, MSIV closure and Feedwater Controller Failure cases.

Enclosure 1 consists of a CD which contains GE proprietary information as defined by 10 CFR 2.390. The data files on the CD are entirely proprietary information and a non-proprietary version is not available. GE customarily maintains this information in confidence and withholds it from public disclosure.

The affidavit contained in Enclosure 2 identifies that the information contained in Enclosure 1 has been handled and classified as proprietary to GE. GE hereby requests that the information in Enclosure 1 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17.

If you have any questions about the information provided here, please let me know.

Sincerely,



Robert Gamble
Manager, ESBWR

References:

1. MFN 04-109, Letter from Robert Gamble (GE) to NRC, *Demonstration Calculations for ESBWR AOOs*, October 8, 2004
2. MFN 05-077, Letter from Robert Gamble (GE) to NRC, *TRACG04A Executable Code*, August 4, 2005

Enclosures:

1. Enclosure 1, TRACG AOO Inputs and PANAC Wrapup (CD) – GE Proprietary Information
2. Affidavit, Gerge B. Stramback, dated August 24, 2005

cc: WD Beckner (USNRC w/o enclosures)
AE Cabbage (USNRC w/ enclosures)
GB Stramback (GE w/ enclosures)
eDRF 0000-0020-6471

ENCLOSURE 1

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TRACG AOO Runfiles and PANAC Wrapup File

Files Transmitted Contain GE Proprietary Information

(list of files on next page)

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ENCLOSURE 1 (continued)

TRACG Anticipated Operational Occurrence Files:

Steady State Run - Input Output Files (ASCII):

DIFF_SEP02_BDK_and_DRF_0000-0031-0489_BDK.txt
1132_eoc_sep08.tosdat
1132_eoc_sep08.tosout
1132_ss_gritcdrps_sep08_800sec.com
1132_ss_gritcdrps_sep08_800sec.log
diff_tosdat_sep03_fullcore_wrapup.dat
run_1132_ss_sep08.com
run_1132_ss_sep08.log
1132_ss_sep02.bdk

Load Rejection No Bypass (LRNB) Files (ASCII):

lrnbp_1132_sep13.
lrnbp_1132_sep13.out
lrnbp_1132_sep13.tosout
lrnbp_1132_ss_sep13.com
lrnbp_1132_ss_sep13.log
scram_p1250-esbwr.tosdat

MSIV Closure Files (ASCII):

1132_ms1a_a_3ic_sep14.com
1132_ms1a_a_3ic_sep14.inp
1132_ms1a_a_3ic_sep14.log
1132_ms1a_a_3ic_sep14.out
1132_ms1a_a_3ic_sep14.tosout
scram_p1250-esbwr.tosdat

Feedwater Controller Failure (FWCF) Files (ASCII):

1132_fwa213ff_a_sep13_lessfwcntrlcards.inp
1132_fwa213ff_a_sep13_lessfwcntrlcards.out
1132_fwa213ff_a_sep13_lessfwcntrlcards.tosout
1132_fwa213ff_a_sep13_xfwcntrlcards.com
1132_fwa213ff_a_sep13_xfwcntrlcards.log
scram_p1250-esbwr.tosdat

PANACEA Wrapup File:

4500_EOC.WRP

GE14 Gap Conductance Files:

BWREDB_SAFER:[GESTERDATA]GE14C_HP.BDK
BWREDB_SAFER:[GESTERDATA]GE14C_BT.BDK

ENCLOSURE 2

MFN 05-083

Affidavit

General Electric Company

AFFIDAVIT

I, **George B. Stramback**, state as follows:

- (1) I am 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 Enclosure 1 CD of GE Letter MFN 05-083, Robert E. Gamble to NRC, *TRACG AOO Runfiles and PANAC Wrapup File*, dated August 19, 2005. The proprietary information is the entire CD with the enclosed files. The CD, *TRACG AOO Runfiles and PANAC Wrapup File*, is marked GE Proprietary Information and Paragraph (3) of this affidavit provides the basis for the proprietary determination.
- (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), and 2.390(a)(4) for "trade secrets" (Exemption 4). The material for which exemption from disclosure is here sought 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 aspects of past, present, or future General Electric customer-funded development plans and programs, resulting in potential products to General Electric;

- d. 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 paragraphs (4)a., and (4)b, above.

- (5) To address 10 CFR 2.390 (b) (4), 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 details specific information regarding application of TRACG to the ESBWR design. This TRACG code has been developed by GE, for over fifteen years, at a total cost in excess of three million dollars. The reporting, evaluation and interpretations of the results, as they relate to the ESBWR, was achieved at a significant cost 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.

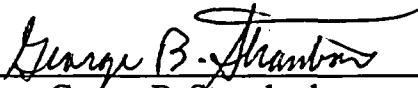
The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

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 19th day of August 2005.



George B. Stramback
General Electric Company