

BWR OWNERS' GROUP

Frederick P. "Ted" Schiffley, II
BWROG Chairman
Tel: (630) 657-3897
Fax: (630) 657-4328
frederick.schiffley@exeloncorp.com

c/o Exelon Generation Co., LLC, Cornerstone II At Cantera, 4300 Winfield Road, Warrenville, IL
60555

Proprietary Notice

This letter transmits GEH proprietary information in accordance with 10 CFR 2.390. Upon removal of Enclosure 1, the balance of the letter may be considered non-proprietary.

Project 691

BWROG-10049
October 29, 2010
Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Draft Presentation Materials for the November 17, 2010 Meeting
Between the NRC and the BWR Owners' Group

Attention: Chief, Information Management Branch
Division of Program Management

The BWR Owners' Group (BWROG) is providing the attached draft presentation materials to support the November 17, 2010, meeting between the NRC and the BWROG. This meeting is the fourth in a series of discussions regarding specific topics associated with BWR Emergency Core Cooling System (ECCS) Suction Strainers conducted at the request of NRC management. At this meeting the BWROG will present a strategy to resolve NRC questions related to the conditions of in-vessel components during a Loss of Coolant Accident (LOCA).

Because the presentation materials contain proprietary information, we are also providing the attached affidavit from GE-Hitachi Nuclear Energy Americas LLC (GEH). The nature of the proprietary information reflects GE Global Nuclear Fuel (GNF) fuel flow characteristics and GEH LOCA analysis information. In the November 17 meeting, we will discuss general plans for addressing this issue with non-GNF BWR fuel types, but we will not be presenting any proprietary information related to other fuel types.

Please note that these presentation materials are still in final review and may change in advance of the meeting. They are provided to the NRC at this time only for the purpose of identification of GEH and GNF proprietary information to support meeting closure.

DO44
NRC

BWROG-10049
October 29, 2010
Page 2

If you have any questions concerning this letter, please contact me or Robert Whelan, the BWROG Project Manager (910-819-1808).

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Schiffley II', written over a horizontal line.

Frederick P. "Ted" Schiffley, II
Chairman
BWR Owners' Group

cc: M. H. Crowthers, BWROG Vice Chairman
S. L. Scammon, BWROG ECCS SS Committee Chairman
C.J. Nichols, BWROG Program Manager
R. W. Whelan, BWROG ECCS SS Committee Project Manager
BWROG Primary Representatives

Enclosures:

1. ECCS Suction Strainers Downstream Effects – Fuel Issue No. 2 DRAFT Presentation – Non-Proprietary Information
2. Affidavit

ENCLOSURE 1

BWROG-10049

ECCS Suction Strainers Downstream Effects –
Fuel Issue No. 2 DRAFT Presentation

Non-Proprietary Information

IMPORTANT NOTICE

Enclosure 1 is a non-proprietary presentation, which has the proprietary information removed. Portions that have been removed are indicated by open and closed double brackets as shown here [[]].

GE-Hitachi Nuclear Energy Americas LLC

AFFIDAVIT

I, **Edward D. Schrull**, state as follows:

- (1) I am the Vice President, Regulatory Affairs, Services Licensing, GE-Hitachi Nuclear Energy Americas LLC (GEH). I 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 Enclosure 1 of the letter BWROG-10049, F. P. Schiffler, II., BWR Owners' Group Chairman, to the Document Control Desk (USNRC), "Draft Presentation Materials for the November 17, 2010 Meeting Between the NRC and the BWR Owners' Group," dated October 29, 2010, containing presentation materials to be used in a proposed meeting between NRC and the BWR Owners' Group on November 17, 2010, related to addressing NRC questions about the analysis of downstream effects of debris on GNF fuel used in Boiling Water Reactors (BWRs). The proprietary information in Enclosure 1, is identified by a dark red font and dotted underline placed within double square brackets, [[This sentence is an example.⁽³⁾]]. Figures and other large objects are identified with double square brackets before and after the object. In each case, the superscript notation ⁽³⁾ refers to Paragraph (3) of this affidavit that provides the basis for the proprietary determination.
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GEH 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 qualifies 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, 975 F2d 871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F2d 1280 (DC Cir. 1983).
- (4) The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. Some examples of categories of information that 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 GEH's competitors without license from GEH constitutes a competitive economic advantage over GEH and/or other companies.
 - b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

- c. Information that reveals aspects of past, present, or future GEH customer-funded development plans and programs, that may include potential products of GEH.
 - d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.
- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily held in confidence by GEH, 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 GEH, not been disclosed publicly, and not been made available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary and/or confidentiality agreements that provide for maintaining the information in confidence. The initial designation of this information as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure are as set forth in the following paragraphs (6) and (7).
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, who is the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or who is the person most likely to be subject to the terms under which it was licensed to GEH. Access to such documents within GEH is limited to 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 for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GEH 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 and/or confidentiality agreements.
- (8) The information identified in paragraph (2) above is classified as proprietary because it contains detailed methods, results, and conclusions regarding supporting evaluations of the effects on nuclear fuel performance of containment debris that bypasses the ECCS Suction Strainers for a GEH BWR. The analysis utilized analytical models and methods, including computer codes, which GEH has developed, obtained NRC approval of, and applied to perform evaluations of containment debris effects on the nuclear fuel for a GEH BWR.

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 GEH asset.

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GEH's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GEH'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 GEH. 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. GEH's competitive advantage will be lost if its competitors are able to use the results of the GEH 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 GEH 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 GEH of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining 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 29th day of October 2010.



Edward D. Schrull
Vice President, Regulatory Affairs
Services Licensing
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Rd.
Wilmington, NC 28401
edward.schrull@ge.com