

GENERAL  ELECTRIC

NUCLEAR POWER
SYSTEMS DIVISION

GENERAL ELECTRIC COMPANY, 175 CURTNER AVE., SAN JOSE, CALIFORNIA 95125
MC 682, (408) 925-3392

July 2, 1982

MFN-094-82

U. S. Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Division of Licensing
Washington, DC 20555

Attention: Mr. Byron Seigel
Operating Reactors Branch 2

Gentlemen:

SUBJECT: EVALUATION OF VACUUM BREAKER ACTUATION DURING POOL SWELL
IN THE MARK I CONTAINMENT

Attached is an evaluation of the potential for the wetwell/drywell vacuum breakers to actuate during pool swell in a Mark I plant. This evaluation is based on examination and interpretation of the Mark I one-quarter scale pool swell tests. The measured drywell pressure in these tests was consistently higher than the wetwell air space pressure. Based on these test observations, it is concluded that vacuum breakers will not actuate during the pool swell phase of a LOCA in Mark I plants.

The information contained in this document, indicated as proprietary, is of the type General Electric maintains in confidence and withholds from public disclosure. It has been handled and classified as proprietary by General Electric, as indicated in the attached affidavit. We hereby request that it be withheld from public disclosure in accordance with the provisions of 10CFR.790.

This evaluation is being submitted on behalf of the Mark I Owners. If you have any questions, please contact me on (408) 925-3392.

Very truly yours,

L. S. Pfefferlen for

H. C. Pfefferlen, Manager
BWR Licensing Programs
Nuclear Safety and Licensing Operation

HCP:hmc/D06259

cc: L. S. Gifford (GE-Bethesda)
D. Vassallo (NRC)

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GENERAL ELECTRIC COMPANY

PROPRIETARY

AFFIDAVIT

I, G. G. Sherwood, being duly sworn, depose and state as follows:

1. I am Manager, Safety and Licensing, General Electric Company, 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 document entitled "Evaluation of Wetwell/Drywell Vacuum Breaker Actuation During Pool Swell in a BWR Mark I Containment", dated June 1982.
3. In designating material as proprietary, General Electric utilizes the definition of proprietary information and trade secrets set forth in the American Law Institute's Restatement Of Torts, Section 757. This definition provides:

"A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.... A substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring information.... Some factors to be considered in determining whether given information is one's trade secret are: (1) the extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others."

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 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 consisting of supporting data and analyses, including test data, relative to a process, method or apparatus, the application of which provide a competitive economic advantage, e.g., by optimization or improved marketability;

- c. 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;
 - d. Information which reveals cost or price information, production capacities, budget levels or commercial strategies of General Electric, its customers or suppliers;
 - e. Information which reveals aspects of past, present or future General Electric customer-funded development plans and programs of potential commercial value to General Electric;
 - f. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection;
 - g. Information which General Electric must treat as proprietary according to agreements with other parties.
5. In addition to proprietary treatment given to material meeting the standards enumerated above, General Electric customarily maintains in confidence preliminary and draft material which has not been subject to complete proprietary, technical and editorial review. This practice is based on the fact that draft documents often do not appropriately reflect all aspects of a problem, may contain tentative conclusions and may contain errors that can be corrected during normal review and approval procedures. Also, until the final document is completed it may not be possible to make any definitive determination as to its proprietary nature. General Electric is not generally willing to release such a document to the general public in such a preliminary form. Such documents are, however, on occasion furnished to the NRC staff on a confidential basis because it is General Electric's belief that it is in the public interest for the staff to be promptly furnished with significant or potentially significant information. Furnishing the document on a confidential basis pending completion of General Electric's internal review permits early acquaintance of the staff with the information while protecting General Electric's potential proprietary position and permitting General Electric to insure the public documents are technically accurate and correct.
6. Initial approval of proprietary treatment of a document is made by the Subsection Manager of the originating component, the man most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within the Company is limited on a "need to know" basis and such documents at all times are clearly identified as proprietary.
7. The procedure for approval of external release of such a document is reviewed by the Section Manager, Project Manager, Principal Scientist or other equivalent authority, by the Section 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 in accordance with the standards enumerated above. Disclosures outside General Electric are generally limited to regulatory bodies, customers and potential customers and their agents, suppliers and licensees only in accordance with appropriate regulatory provisions or proprietary agreements.

8. The document mentioned in paragraph 2 above has been evaluated in accordance with the above criteria and procedures and has been found to contain information which is proprietary and which is customarily held in confidence by General Electric.
9. The document "Evaluation of Wetwell/Drywell Vacuum Breaker Actuation During Pool Swell in a BWR Mark I Containment" presents and discusses data derived from the Mark I quarter scale pool swell test program. The data obtained from this test program are proprietary to the General Electric Company.
10. The information, to the best of my knowledge and belief, has consistently been held in confidence by the General Electric Company, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties have been made pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.
11. Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of the General Electric Company and deprive or reduce the availability of profit-making opportunities because:
 - a. It was developed with the expenditure of substantial resources exceeding \$500,000.
 - b. The resources dedicated to this effort were both those of General Electric Company and those of its customers in the utility containment study groups.
 - c. While General Electric is the owner of the information, its contract for funding and management of the Mark I program requires that it not provide the results of the program to utilities or others who are not participating in the program without their agreement to participate in the program by way of funding.
 - d. While none of General Electric's domestic competitors presently use pressure suppression containment systems similar to the Mark I, the availability of this information to them would enable domestic competitors to evaluate the Mark I system without expenditure of resources similar to those undertaken by General Electric. In addition, domestic competitors would be better able to evaluate and develop pressure suppression containment systems without similar expenditures of resources.

- e. A number of General Electric licenses currently utilize Mark I and other pressure suppression concepts, and this information can be, and has been, exchanged with some of them for technical data which they have and are developing on Mark I and other pressure suppression concepts.
- f. Public availability of this information would deprive General Electric and its customers of the ability to seek reimbursement from non-participating persons, would permit competitors to utilize this information to General Electric's detriment, and would impair General Electric's ability to maintain licensing agreements to the substantial financial and competitive disadvantage of General Electric.
- g. Public availability of the information would allow foreign competitors, including competing BWR suppliers, to obtain containment information at no cost which General Electric developed at substantial cost. Use of this information by foreign competitors would give them a competitive advantage over General Electric by allowing foreign competitors to produce their containment at lower costs than General Electric.

G. G. Sherwood, 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 2nd day of July 1982.

G. G. Sherwood
 G. G. Sherwood
 General Electric Company

STATE OF CALIFORNIA)
 COUNTY OF SANTA CLARA) ss:

Subscribed and sworn before me this 2nd day of July 1982.

Ruthe M. Kinnamon
 NOTARY PUBLIC IN AND FOR SAID
 COUNTY AND STATE



175 Cortner Avenue, San Jose, CA 95125