



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555-0001

June 7, 1994

Docket No. 52-001

Mr. Joseph Quirk
ABWR Certification Program Manager
GE Nuclear Energy
175 Curtner Avenue Mail Code - 782
San Jose, California 95125

Dear Mr. Quirk:

SUBJECT: APPROVAL OF REQUEST FOR WITHHOLDING ADVANCED BOILING WATER REACTOR (ABWR) STANDARD SAFETY ANALYSIS REPORT (SSAR) INFORMATION FROM PUBLIC DISCLOSURE

In a letter dated August 18, 1992, R.C. Mitchell to R.C. Pierson, "Reclassification of ABWR SSAR Proprietary Information" (Ref. 1), GE Nuclear Energy (GE) submitted the reclassification of ABWR SSAR proprietary information and requested NRC to withhold certain SSAR information from public disclosure. In a letter dated March 9, 1993, Jerry N. Wilson to Patrick W. Marriott, "Request for Withholding Information from Public Disclosure (Ref, 2), the staff provided its preliminary evaluation of GE's request and concluded that GE's justification for proprietary classification of nine items included in Reference 1 was acceptable. Reference 2 also identified five additional items for which GE needed to provide further justification for proprietary classification or needed to declassify the information in question as non-proprietary. GE provided its response in a letter dated November 5, 1993, from Joseph F. Quirk to the Document Control Desk, "Final Reclassification of ABWR SSAR Proprietary Information" (Ref. 4). In addition, GE provided a commitment letter dated March 3, 1994, J. Fox to C. Poslusny, "Submittal Supporting Accelerated ABWR Schedule-Open Item F1.1-1" (Ref. 5), and an amendment to the SSAR dated March 31, 1994, "Submittal of Amendment 34, Proprietary Information to GE's ABWR SSAR, MFN. No. 033-94" (Ref. 6), along with additional justification documents reflecting the final disposition of information being withheld from public disclosure.

The following is the staff's evaluation of GE's responses and the staff's position on the proprietary information included in the ABWR SSAR.

1. In Reference 4, GE indicated that the following subjects remain classified as proprietary in the ABWR SSAR:

Fuel Rod and Fuel Pellet Parameters
Containment Hydrodynamic Loading test Results
Fuel Loading Patterns
Core Nuclear Conditions
Fuel Criteria

The staff approved the above proprietary classification in Reference 1 and this approval remains unchanged.

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In Reference 4, GE replaced the proprietary version of emergency operation information and controls provided in Reference 1 with a non-proprietary version. In addition, GE declassified control rod criteria, containment ultimate strength testing, and ODYNA/REDYA information as non-proprietary. These items are acceptable to the staff.

2. Originally, the staff did not approve GE's classification of several other items in Reference 1. The following reflects the status and the staff's evaluation of those items:

- a. Interlock Block Diagrams and Instrumentation Electrical Diagrams

In Reference 4, GE has reclassified the information as non-proprietary. This is acceptable to the staff.

- b. Radwaste Building Arrangements and Piping and Instrumentation Diagrams of Chapters 1, 11, and 12 and Chapter 11 Text

GE has provided non-proprietary versions of Chapters 1, 11, and 12. The information and figures in these chapters are acceptable as reflected in SSAR Amendment 34. However, GE stated in Reference 6 that SSAR Sections 11A.2 and 11A.4, that the liquid and solid waste management systems were developed by GE's technical associates in Japan and GE has signed contractual agreements with its partners to preclude the public disclosure of the details of the design of these systems. The staff reviewed "Submittal of SSAR Sections 11A.2 and 11A.4, Proprietary Information," dated May 20, 1994 (Ref. 7), and determined that the justification to maintain this information as proprietary is acceptable.

- c. Environmental Conditions for Equipment Qualification

In Reference 4, GE reclassified this information as non-proprietary and the staff finds this acceptable.

- d. SAFER/GESTR LOCA Analysis Results

In Reference 4, GE indicated that it has treated this information as proprietary for operating plants. GE believes that the disclosure of the details of the analysis would significantly affect its position in the market by providing its competitors with price advantages by not having to complete portions of the detailed analyses and calculations developed by GE at considerable cost. However, GE did agree to provide a non-proprietary summary of results in the SSAR, similar to that included in operating reactor final safety analysis reports. This is acceptable to the staff.

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e. Documents Pertaining to Radiation Protection

In a letter dated May 14, 1993, Patrick W. Marriott to R.W. Borchardt, Revision to March 9, 1992, affidavit (Ref. 3), GE indicated that three out of the four documents of interest, NEDE-23819, NEDE-23996-1, and NEDE-23996-2 were resubmitted to the staff on the docket as non-proprietary. In addition, GE included a justification for withholding from public disclosure the document NEDE-24679, "Study of Advanced BWR Features, Plant Definition/Feasibility Results," Volume III, Appendix Part G, dated October 1979. In that document, GE indicated that the information included in NEDE-24679 was jointly developed by GE and its Japanese partners to support the Kashiwazaki Kariwa project. It also stated that public disclosure of this information could cause harm to the competitive position of GE and its partners. The staff agrees with this justification and finds that this report should remain classified as proprietary.

f. Detailed Control Room Analysis

During the process to close issues related to Chapter 18 and the control room design, GE was requested to conduct an analysis of the ABWR emergency procedure guidelines and important operator actions specified as a result of the ABWR probabilistic risk assessment analysis. GE completed a task analysis based on the specific Japanese Kashiwazaki Kariwa K-6, K-7 control room designs. In Reference 6, GE provided a proprietary version in SSAR Appendix 18H and a non-proprietary summary in SSAR Appendix 18F. In "Resubmittal of Affidavit for GE's ABWR SSAR, Proprietary Information Section 18H," dated May 25, 1994 (Ref. 8), GE indicated that other parties contributed to the specific detailed control room design information. GE also has signed contractual agreements with its partners to preclude the public disclosure of the details of SSAR Section 18H, supporting analysis for emergency control operation information. The staff agrees that this information be maintained as proprietary.

We have reviewed the affidavit and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of GE's statements, have determined that the submitted information sought to be withheld contains proprietary information obtained from a person and is privileged or confidential. Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the rights, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public information, GE should promptly notify the NRC. GE also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes this information. In all review situations, if the NRC makes a determination adverse to the above, GE will be notified in advance of any public disclosure.

Sincerely,

(Original signed by)
R. W. Borchardt, Director
Standardization Project Directorate
Associate Directorate for Advanced Reactors
and License Renewal
Office of Nuclear Reactor Regulation

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