



52-004

UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 28, 1995

Mr. James E. Quinn, Projects Manager
LMR and SBWR Programs
GE Nuclear Energy
175 Curtner Avenue, M/C 165
San Jose, California 95125

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE, GENERAL ELECTRIC (GE) RESPONSES TO REQUEST FOR ADDITIONAL INFORMATION (RAI) DATED OCTOBER 25, 1993

Dear Mr. Quinn:

By letter dated October 25, 1993, GE Nuclear Energy (GE) submitted the subject response to a staff RAI Questions 440.3 through 440.5 and requested that certain parts of the response, the information on the GE proprietary tapes and the information delineated by bar marks in the margins of the written material, be withheld from public disclosure. This request was made in accordance with 10 CFR 2.790 and is supported by affidavit executed by Joseph F. Quirk, dated October 25, 1993, which claims, in part, that the information is classified as proprietary because it contains details of the method of development and supporting data and analysis relative to the TRACG computer program. This program is intended for use as the licensing-basis code for evaluating boiling water reactor response to transients, loss-of-coolant accidents, reactivity insertion accidents, and anticipated transients without scram. This code has been under development by GE for over ten years, at a total cost in excess of \$3 million. In addition, the affidavit identifies the following reasons:

1. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GE's competitors without license from GE constitutes a competitive economic advantage over other companies.
2. Information which, if used by a competitor, would reduce his expenditures of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

We have reviewed your letter and the material in accordance with the requirements of 10 CFR 2.790 and have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information. Therefore, the information provided in response to Questions 440.3 through 440.5, as marked, 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. The remaining portions of your response to the RAI will

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Mr. James E. Quinn
GE Nuclear Energy

Docket No. 52-004

cc: Mr. Rob Wallace
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Director, Criteria & Standards Division
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Mr. Sterling Franks
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Mr. Frank A. Ross
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Mr. Tom J. Mulford, Manager
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Palo Alto, CA 94304-1395

August 28, 1995

have to be placed in Public Document Room (PDR). Therefore, you are requested to provide a non-proprietary version of the written response within 30 days of the date of this letter. The non-proprietary version will be placed in the PDR.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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 inspection, you should promptly notify the Nuclear Regulatory Commission (NRC). You should also 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 included your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

Original signed by

Dino C. Scaletti, Project Manager
Standardization Project Directorate
Division of Reactors Program Management
Office of Nuclear Reactor Regulation

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cc: See next page

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