



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0076

October 5, 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) LICENSING TOPICAL REPORT "SBWR TEST AND ANALYSIS PROGRAM DESCRIPTION," NEDC-32391P, REVISION C AND SUPPLEMENT 1 THERETO, DISCUSSION OF PIRT PARAMETERS

Dear Mr. Quinn:

By letters dated August 28, 1995, GE Nuclear Energy (GE) submitted the subject Licensing Topical Reports and requested that they be withheld from public disclosure. The requests were made in accordance with 10 CFR 2.790 and are supported by affidavits, executed by George B. Stramback, dated August 24, 1995, which claim in part that the information identified by bar in the right-side margins is classified as proprietary because it contains details of the method of development and supporting data and analysis relative to the TRACG computer program, and for Supplement 1, relative to the Phenomena Identification Ranking Table (PIRT) parameters. The TRACG related program is intended for use as the licensing-basis code for evaluating BWR response to transients without scram. TRACG has been under development by GE for over ten years at a total cost in excess of \$3 million. Regarding the PIRT parameters, Supplement 1 contains details of the parameters necessary in ensuring the validity of the Simplified Boiling Water Reactor (SBWR) test programs. The SBWR test programs have been under development by GE and its associates for more than seven years at a total cost of tens of millions of dollars. In addition, the affidavits identify the following reasons for maintaining the information as proprietary:

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.
3. Information which reveals aspects of past, present, or future GE customer-funded development plans and programs, of potential commercial value to GE.

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Mr. James E. Quinn
GE Nuclear Energy

Docket No. 52-004

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We have reviewed your letters and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted Licensing Topical Report and certain parts of Supplement 1 contain trade secrets or proprietary commercial information. Therefore, the subject reports, "SBWR Test and Analysis Program Description," NEDC-32391P, Revision C, and "SBWR Test and Analysis Program Description, Supplement 1 - Discussion of PIRT Parameters" 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. Although, the staff has concluded that certain parts of Supplement 1 (i.e., PIRT tables and process descriptions) contain proprietary information, the non-proprietary version of this report conveys little or no information regarding the PIRT process. We discussed this concern with your staff, and have agreed that a revision to the non-proprietary version of Supplement 1 that provides additional details on the PIRT process is necessary. The non-proprietary versions of the "SBWR Test and Analysis Program Description," NEDC-32391, Revision C and its supplement have been placed in the Public Document Room (PDR). The revision to Supplement 1 will be placed in the PDR when it is received. You are requested to provide the revised non-proprietary Supplement 1 within 90 days from the date of this letter.

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 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

Docket No. 52-004

cc: See next page

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AS MARKED