



James E. Quinn
Projects Manager, LMR and SBWR Programs

Advanced Reactor Programs
General Electric Company
175 Curtner Ave., M/C 165
San Jose, CA 95125-1088
408 925-1005, Dial Comm: 8*425-1005
Fx: 408 925-3991, Email: QuinnJ@sjcpo2.ne.ge.com

October 13, 1995

MFN 217-95
Docket 52-004

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington DC 20555

Attention: Theodore E. Quay, Director
Standardization Project Directorate

Subject: Transmittal of TRACG Input Decks for BNL

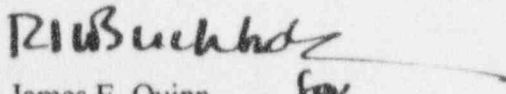
- Reference: 1. GE/NRC Weekly Telecon on SBWR Testing - October 3, 1995.
2. Letter MFN 219-95, from James E. Quinn (GE) to Theodore E. Quay, "Transmittal of TRACG PANTHERS Facility Nodalization and SBWR Containment Model Diagrams for BNL", dated October 13, 1995.

In response to NRC request (Reference 1), we are providing TRACG input decks for the PANTHERS 8-tube model and SBWR containment model. These TRACG input decks are GE proprietary and are included on a single electronic computer disk. While we are confident that all of this information is accurate, the verification of the SBWR input deck is an activity in progress which has not been completed. Non-proprietary nodalization diagrams for the PANTHERS facility and the SBWR containment model are provided by Reference 2.

Because the input decks (computer disk) will have only limited use by BNL and since timing is important, the one computer disk is being transmitted directly to Mr. J. H. Wilson (NRC) for immediate distribution to BNL.

Please note that the information in the TRACG input decks is of the type which GE maintains in confidence and withholds from public disclosure. It has been handled and classified as proprietary to GE as indicated in the attached affidavit. We hereby request that this information be withheld from public disclosure in accordance with the provisions of 10CFR2.790.

Sincerely,


James E. Quinn

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Rec'd w/o computer disk

cc: P. A. Boehnert (NRC/ACRS) (2 paper copies plus E-Mail)
I. Catton (ACRS) (1 paper copy plus E-Mail.)
S. Q. Ninh (NRC) (2 paper copies plus E-Mail)
J. H. Wilson (NRC) (1 paper copy plus E-Mail)
D. C. Scaletti (NRC) (1 paper copy plus E-Mail)
A. Drozd (NRC) (1 paper copy plus E-Mail)
J. H. Wilson (NRC) (1 paper copy plus E-Mail)
M. M. Razzaque (NRC) (1 paper copy plus E-Mail)

General Electric Company

AFFIDAVIT

I, **George B. Stramback**, being duly sworn, depose and state as follows:

- (1) I am Project Manager, Licensing Services, General Electric Company ("GE") 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 electronic files contained in a computer disk, labeled *TRACG Files (5-Oct-95)--MS3226R0.INP (SBWR Model)--PT8_T15.INP (PANTHERS Model)*, (GE Proprietary Info), dated October 5, 1995. The computer disk label with the TRACG inputs decks will contain a proprietary marking designating the information as GE Proprietary Information.
- (3) In making this application for withholding of proprietary information of which it is an owner, GE 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), 2.790(a)(4), and 2.790(d)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify 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, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (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, including supporting data and analyses, 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 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;

- c. Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of General Electric, its customers, or its suppliers;
- d. Information which reveals aspects of past, present, or future General Electric customer-funded development plans and programs, of potential commercial value to General Electric;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in both paragraphs (4)a. and (4)b., above.

- (5) The information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GE, 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 GE, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of proprietary treatment of a document is made by the manager of the component to whom the work was provided, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within GE is limited on 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, by the 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. Disclosures outside GE and its associates 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 agreements.
- (8) The information identified in paragraph (2), above, is classified as proprietary because it contains TRACG input deck details of the method of development and supporting data and analyses relative to the TRACG computer program. As a

Simplified Boiling Water Reactor (SBWR) analysis model this code has multiple applications. This code has been developed by GE for over ten years, at a total cost in excess of three million dollars.

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GE's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GE's comprehensive BWR 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.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by GE and its associates.

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.

GE's competitive advantage will be lost if its competitors are able to use the results of the GE and its associates 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.

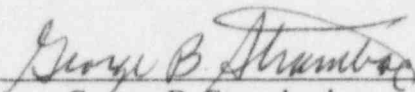
The value of this information to GE and its associates would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE and its associates of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

STATE OF CALIFORNIA)
) SS:
COUNTY OF SANTA CLARA)

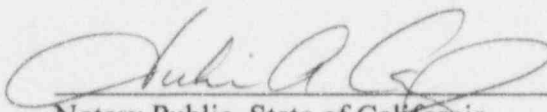
George B. Stramback, being duly sworn, deposes and says:

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 13th day of October 1995.


George B. Stramback
General Electric Company

Subscribed and sworn before me this 13th day of October 1995.


Notary Public, State of California

