

PDR-016



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

September 13, 1984

Diane Curran, Esquire
William S. Jordan, III, Esquire
Harmon, Weiss & Jordan
2001 S Street, NW
Suite 430
Washington, DC 20009

IN RESPONSE REFER
TO FOIA-84-A-66
(FOIA-84-175)

Dear Ms. Curran and Mr. Jordan:

This is in reply to your letter dated August 6, 1984, in which you appealed Mr. J. M. Felton's denial-in-part of Mr. Steven Sholly's Freedom of Information Act request for documents concerning the General Electric Company's (GE) Probabilistic Risk Assessment (PRA) for the GESSAR-II standardized plant design. You specifically appealed the denial of four documents in Mr. Felton's June 25, 1984, letter and the NRC's failure to completely respond to Mr. Sholly's request.

Acting on your appeal, I have reviewed the record and it appears that GE has not always taken consistent positions regarding the confidentiality of the GESSAR PRA and related documents. Therefore, it is necessary for GE and NRC to re-review all of the documents subject to your appeal, as well as the handling of previous FOIA requests on this subject. The NRC staff is currently arranging for a meeting between GE and NRC to resolve the issue of GE's proprietary claim.

As you may have been made aware by our partial responses dated June 1, June 25, and July 10, 1984 (copies enclosed), the scope of this appeal encompasses a total of 30 documents. The PRA itself and its amendments consist of over 850 pages and the remaining documents consist of over 1,200 pages. In light of the volume of material to be reviewed, NRC will not be responding to your appeal within the statutory 20-day period. However, every effort is being made to resolve the issue in a timely manner.

As soon as the staff has completed its review of the records, I will make a determination and send you a letter which will constitute the agency's final decision.

Sincerely,

William J. Dircks
William J. Dircks
Executive Director of Operations

Enclosures: As stated

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D. C. 20555

JUN 25 1984

Mr. Steven Sholly
Technical Research Associate
Union of Concerned Scientists
1346 Connecticut Avenue, NW
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-84-175

Dear Mr. Sholly:

This is in further response to your letter dated March 13, 1984, and your April 5, 1984 appeal, requesting documents relating to GESSAR-II.

The four documents listed on Appendix A are being withheld in their entirety as release of this information could cause substantial harm to the competitive position of the General Electric Company in that GE maintains:

1. The GESSAR-II PRA is the only Level 3 PRA which has been performed by an NSSS vendor at its own cost. The GESSAR-II PRA will be the first Level 3 PRA approved for a Standard Nuclear Island Design. As such, its market value far exceeds the total cost. GE intends to utilize the information and analyses in the PRA as the major portion of plant-specific analyses for BWR/6 plants which are currently operating, are under construction, and for future plant sales. Total resources expended by GE in performing the PRA, preparing the required submittals, and supporting the PRA review amount to millions of dollars;
2. The performance of probabilistic risk assessments is a highly competitive market. The information in this PRA represents a level of expenditure, detail, sophistication, and NRC acceptance which is not remotely approached with respect to BWR's by GE's present or potential competitors. Accordingly, public disclosure of this information would permit competitors or potential customers to utilize this information at no cost and would thereby deprive GE not only to seek reimbursement of its expenditures but also an economic competitive advantage by allowing competitors to copy the design at little or no cost; and

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3. The three NRC contractor (Brookhaven National Laboratory) reports also contain GE proprietary information and are being withheld in their entirety for the same reasons stated above.

The NRC has reviewed General Electric's proprietary claim and agrees that the information involved is proprietary.

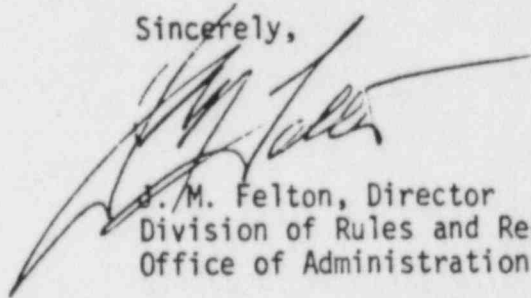
These documents are being withheld from public disclosure pursuant to Exemption (4) of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and 10 CFR 9.5(a)(4) of the Commission's regulations. These documents do not contain any reasonably segregable factual portions.

Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

The review of additional documents related to your request is continuing. You will be notified at the completion of this review.

Sincerely,



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: Appendix A

APPENDIX A

1. GESSAR II Probabilistic Risk Assessment (PRA)
2. BNL Memo dated 5/5/83 "Status of GESSAR PRA Review."
3. BNL Letter Report "Review and Evaluation of the GESSAR II PRA - Containment Failure Modes and Fission Product Release," 7/27/83.
4. BNL Letter Report "Review of GESSAR II Probabilistic Risk Assessment," undated.



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The NRC has reviewed General Electric's proprietary claim and agrees that the information involved is proprietary.

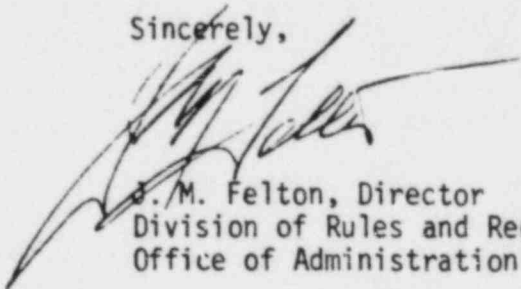
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The review of additional documents related to your request is continuing. You will be notified at the completion of this review.

Sincerely,



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: Appendix A

APPENDIX A

1. GESSAR II Probabilistic Risk Assessment (PRA)
2. BNL Memo dated 5/5/83 "Status of GESSAR PRA Review."
3. BNL Letter Report "Review and Evaluation of the GESSAR II PRA - Containment Failure Modes and Fission Product Release," 7/27/83.
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JUL 10 1984

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TO FOIA-84-175

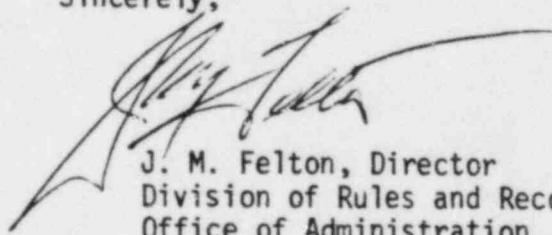
Dear Mr. Sholly:

This is in further response to your letter dated March 13, 1984, and your appeal dated April 5, 1984, in which you requested four separate categories of documents relating to GESSAR-II.

The documents listed on Appendix A and B are the remaining documents responsive to your request. Appendix A documents are being placed in their entirety in the NRC Public Document Room in FOIA file folder 84-175 under your name. Appendix B documents contain information which the General Electric Company (GE) considers confidential business (proprietary) information. We have asked GE to review their proprietary claim, and will let you know as soon as possible whether these documents or any portions thereof may be released to the public.

Other than the documents listed on Appendix B being reviewed for proprietary information, NRC's response to your request will be completed. We will notify you when GE has completed their review.

Sincerely,



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures: Appendix A and B

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APPENDIX A

1. 4/15/83 Memo for A. C. Thadani from D. D. Yue re: SUMMARY OF NRC/CONSULTANTS MEETING ON EXTERNAL EVENTS ANALYSIS IN PRA ON MRACH 30-31, 1983 w/attachments (17 pages)
2. 2/3/84 NOTES - BNL - GESSAR PRA REVIEW by Kevin Holtzclaw w/attachments (5 pages)
3. 8/8/83 Memo for C. O. Thomas from B. Sheron re: BNL STATUS REPORT ON THE REVIEW OF RESSAR-II PRA-CONTAINMENT FAILURE MODES AND FISSION PRODUCT RELEASE (1 page)
4. 5/18/83 Memo for Ashok Thadani from Edmund J. Sullivan re: GUIDANCE FOR THE GESSAR SEISMIC PRA w/attachment (4 pages)
5. 5/20/83 DE PRESENTATION - Viewgraphs (7 pages)
6. 10/14/82 Memo for C. O. Thomas from A. C. Thadani re: REVISED SCHEDULE FOR GESSAR-II PRA REVIEW w/attachment (2 pages)
7. 3/19/82 Letter to D. G. Eisenhower from G. G. Sherwood re: GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT (GESSAR II) (5 pages)
8. 5/28/82 Letter to D. G. Eisenhower from G. G. Sherwood re: GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT (GESSAR II) w/attachments (7 pages)
9. 7/30/82 Letter to D. G. Eisenhower from G. G. Sherwood re: STANDARD SAFETY ANALYSIS REPORT (GESSAR II) w/attachments (5 pages)
10. 8/31/82 Letter to D. G. Eisenhower from R. Villa re: GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT w/attachments (4 pages)
11. 4/28/82 Letter to D. G. Eisenhower from G. G. Sherwood re: GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT (GESSAR II) w/attachments (5 pages)
12. 9/23/82 Letter to D. G. Eisenhower from R. Villa re: GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT (GESSAR II) w/attachments (5 pages)
13. 3/10/82 Memo for D. Eisenhower et. al. from H. R. Denton re: ISSUANCE OF GESSAR II REVIEW SCHEDULE w/enclosure (4 pages)
14. 6/21/82 Memo for S. H. Hanauer from A. Thadani re: TREATMENT OF EXTERNAL EVENTS FOR THE GESSAR PRA (1 page)
15. 7/8/82 Memo for S. Hanauer from R. J. Mattson re: TREATMENT OF EXTERNAL EVENTS FOR THE GESSAR PRA (1 page)

APPENDIX A

(CONTINUED)

16. 1/31/83 Memo for F. J. Miraglia from B. W. Sheron re: REACTOR SYSTEMS BRANCH COMMENTS ON JANUARY 1983 STATUS REPORT ON THE REVIEW OF STANDARDIZED PLANTS (3 pages)
17. 3/15/84 Memo for C. O. Thomas from D. Scaletti re: FORTHCOMING MEETING WITH GENERAL ELECTRIC COMPANY GESSAR II SEVERE ACCIDENT REVIEW w/attachments (7 pages)
18. 2/22/84 GE-NRC MEETING GESSAR SOURCE TERM ANALYSIS (4 pages)
19. 2/9/84 GE-NRC MEETING GESSAR SOURCE TERM ANALYSIS (5 pages)
20. 11/7/83 Memo for D. G. Eisenhut from T. P. Speis re: HAROLD DENTON GESSAR II BRIEFING w/attachment (8 pages)
21. 10/25/83 GE-NRC MANAGEMENT MEETING GESSAR PRA REVIEW (12 pages)

APPENDIX B

1. Undated Handwritten Notes re: Summary of Component with Minimum Value/Maximum Value Listings (2 pages)
2. 7/27/83 Review and Evaluation of the GESSAR-II Probabilistic Risk Assessment - Containment Failure Modes and Fission Product Release. (116 pages)
3. 6/16/83 Memorandum from R. Wayne Houston to Ashok C. Thadani, SUBJECT: GESSAR-II PRA Q-2 Submittal From DSI. (17 pages)
4. 6/11/83 Memorandum from Frank Rowsome to Frank J. Miraglia, SUBJECT: GESSAR-II PRA Q-2 Submittal. (21 pages)
5. 7/20 & 21/83 Briefing on the BNL Letter Report Review of GESSAR-II PRA. (27 pages)
6. 10/14/83 Letter to Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, ATTN: Mr. D. G. Fisenhut; from J. F. Quirk, SUBJECT: GESSAR-II. (22 pages)
7. 10/6/82 Memorandum for Ashok Thadani from Brian W. Sheron, SUBJECT: GESSAR-II PRA Q-1s. (4 pages)
8. 12/29/83 Memorandum for Frank J. Miraglia from Frank Rowsome, SUBJECT: Request for Additional Information on GESSAR-II PRA. (18 pages)
9. 9/6/83 Memorandum to Brian W. Sheron from George E. Lear, SUBJECT: Review of the GESSAR-II Internal Event PRA. (5 pages)
10. 11/1/83 Memorandum for Cecil O. Thomas from Brian W. Sheron, SUBJECT: GESSAR-II PRA Containment Structural Questions. (5 pages)
11. 11/9/82 Memorandum for Ashok C. Thadani from Brian W. Sheron, SUBJECT: Additional GESSAR-II PRA Questions. (4 pages)
12. 11/1/82 Memorandum for Frank J. Miraglia from Malcolm L. Ernst, SUBJECT: GESSAR-II PRA Q-1 Submittal. (27 pages)
13. 3/1/84 Letter to Mr. R. Frahm from I. A. Papazoglou, SUBJECT: "Review of BWR/6 Standard Plant Probabilistic Risk Assessment." (240 pages)
14. 12/83 A Review of BWR/6 Standard Plant Probabilistic Risk Assessment Volume 1: Internal Events, Core Damage Frequency. (260 pages)



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The search for additional documents relevant to your request is continuing. You will be notified when our search has been completed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton".

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures: Appendix A and B

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APPENDIX A

1. 5/18-19/1982 GE 238 NUCLEAR ISLAND (GESSAR II) SEVERE ACCIDENT SUBMITTAL GE - NRC TECHNICAL UPDATE MEETING #1
2. 6/7/82 Memo for H. Bernard from H. J. Faulkner re: SUMMARY OF MEETINGS WITH GENERAL ELECTRIC COMPANY ON MAY 18 AND 19, 1982
3. 5/18/82 BWR/6 PROBABILISTIC RISK ASSESSMENT (PRA) OVERVIEW by A. A. Strod
4. Undated GE - NRC TECHNICAL UPDATE MEETING #1 SUMMARY
5. Undated AGENDA TECHNICAL UPDATE MEETING #2
6. 6/15-16/1982 GE 238 NUCLEAR ISLAND (GESSAR II) SEVERE ACCIDENT SUBMITTAL GE - NRC TECHNICAL UPDATE MEETING #2
7. 6/5/82 Handwritten Notes re: PRELIMINARY QUESTIONS
8. Undated GE-NRC TECHNICAL UPDATE MEETING #2 ATTENDANCE
9. 6/15-16/1982 BWR/6 STANDARD PLANT PROBABILISTIC RISK ASSESSMENT - CONTAINMENT FUNCTION AND POOL SCRUBBING
10. 9/20/82 FISSION PRODUCT TRANSPORT AND REMOVAL ACTIVITIES - GE-NRC TECHNICAL UPDATE MEETING #4 - SEPTEMBER 23, 1982
11. Undated DISCUSSION TOPICS

APPENDIX B

1. 7/16/82 Letter to R. Frahm from K. W. Holtzclaw re: 238 NUCLEAR ISLAND PROBABALISTIC RISK ASSESSMENT REPORT
2. 5/18/82 BWR 6 STANDARD PLANT DESCRIPTION by J. D. Duncan et al.
3. 5/13/82 MAJOR TASKS OF THE PRA
4. 5/18/82 CORE DAMAGE PROBABILITY by W. P. Sullivan
5. 6/15/82 BWR/6 STANDARD PLANT PROBABALISTIC RISK ASSESSMENT - CLASSIFICATION OF CORE DAMAGE SEQUENCES by D. A. Hankins
6. 6/15/82 BWR/6 PROBABALISTIC RISK ASSESSMENT - SUCCESS CRITERIA - CORE DAMAGE EVALUATION by A. S. Rao
7. 6/15/82 BWR/6 PROBABALISTIC RISK ASSESSMENT (PRA) by L. B. Nesbitt
8. 6/15/82 BWR/6 PROBABALISTIC RISK ASSESSMENT (PRA) - CONTAINMENT STRUCTURAL ANALYSIS by J. E. Love
9. 6/15/82 BWR/6 PROBABALISTIC RISK ASSESSMENT (PRA) - CONTAINMENT EVENT TREES - RELEASE CATEGORIES - FREQUENCY OF RELEASES by A. A. Strod
10. 7/22-23/1982 GE 238 NUCLEAR ISLAND (GESSAR II) SEVERE ACCIDENT SUBMITTAL - GE - NRC TECHNICAL UPDATE MEETING #3
11. 10/19/82 GE - NRC TECHNICAL UPDATE MEETING #5
12. 10/19/82 BWR/6 PROBABALISTIC RISK ASSESSMENT - CORE DAMAGE EVALUATION by J. T. Teng