

BWR OWNERS' GROUP

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BWROG-8727
June 12, 1987

United States Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555

Attention: Mr. James L. Blaha, Chief
Planning, Program and Management Support Branch

Subject: GE LICENSING TOPICAL REPORT NEDE-31096-P-A and NEDE-31096-A,
"ANTICIPATED TRANSIENTS WITHOUT SCRAM RESPONSE TO NRC ATWS
RULE, 10CFR50.62", DATED FEBRUARY 1987

References: 1) Letter No. BWROG-8602, J. M. Fulton to Herbert N. Berkow,
"BWR Owners' Group Anticipated Transient Without Scram
Licensing Topical Report, NEDE-31096-P", dated January 14,
1986.

2) Letter, Gus Lainas to T. A. Pickens, "Acceptable for
Referencing of Licensing Topical Report NEDE-31096-P
Anticipated Transients Without Scram; Response to NRC
ATWS Rule 10CFR50.62", dated October 21, 1986.

Gentlemen:

Pursuant to NRC procedures, the BWR Owners' Group herein provides twenty-three (23) copies of NRC-approved Topical Report NEDE-31096-P-A and twelve (12) copies of NRC-approved Topical Report NEDE-31096-A. The report was previously submitted to the NRC for approval in January, 1986 (Reference 1), and was accepted for referencing in October, 1986 (Reference 2).

Information contained in NEDE-31096-P-A is of the type which General Electric maintains in confidence and withholds from public disclosure. It has been handled and classified as proprietary by GE as indicated in the Affidavit of R. Villa (Attachment 1). We request that it be withheld from public disclosure in accordance with the provisions of 10CFR2.790.

Two Rids

*1007- NEDE-31096-P-A
1/23 Prop*

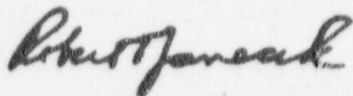
*1008 NEDE-31096-A
1/12 Non-Prop*

8707160047 870612
PDR TOPRP EMVGENE
B PDR

The information in the enclosure has been endorsed by a substantial number of the members of the BWR Owners' Group; however, it should not be interpreted as a commitment of any individual member to a specific course of action. Each member must formally endorse the BWR Owners' Group position in order for that position to become the member's position.

Please contact T. A. Pickens, Northern States Power, on (612) 337-2037 or N. C. Shirley, GE, on (408) 925-1192 should you have any questions on this transmittal.

Very truly yours,



R. F. Janecek, Chairman
BWR Owners' Group

Enclosure

cc: BWROG Primary Representatives (w/o attachment)
DN Grace, BWROG Vice Chairman
TA Pickens, Chairman, ATWS Compliance Alternatives Committee
JM Fulton, RRG Chairman
H. Wyckoff, EPRI

GENERAL ELECTRIC COMPANY

AFFIDAVIT

I, Rudolph Villa, being duly sworn, depose and state as follows:

1. I am Manager, Consulting Services, General Electric Company, 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 contained in the report entitled "Anticipated Transients without Scram - Response to NRC ATWS Rule, 10CFR50.62", NEDE-31096-P-A, dated February 1987.
3. In designating material as proprietary, General Electric utilizes the definition of proprietary information and trade secrets set forth in the American Law Institute's Restatement of Torts, Section 757. This definition provides:

"A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it.... A substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring information.... Some factors to be considered in determining whether given information is one's trade secret are: (1) the extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others."

4. Some examples of categories of information which fit into the definition of proprietary information are:
 - a. Information that disclosed a process, method or apparatus 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 consisting of supporting data and analyses, including test data, relative to a process, method or apparatus, the application of which provide a competitive economic advantage, e.g., by optimization or improved marketability;

- c. 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;
 - d. Information which reveals cost or price information, production capacities, budget levels or commercial strategies of General Electric, its customers or suppliers;
 - e. Information which reveals aspects of past, present or future General Electric customer-funded development plans and programs of potential commercial value to General Electric;
 - f. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection;
 - g. Information which General Electric must treat as proprietary according to agreements with other parties.
5. In addition to proprietary treatment given to material meeting the standards enumerated above, General Electric customarily maintains in confidence preliminary and draft material which has not been subject to complete proprietary, technical and editorial review. This practice is based on the fact that draft documents often do not appropriately reflect all aspects of a problem, may contain tentative conclusions and may contain errors that can be corrected during normal review and approval procedures. Also, until the final document is complete it may not be possible to make any definitive determination as to its proprietary nature. General Electric is not generally willing to release such a document in such a preliminary form. Such documents are, however, on occasion furnished to the NRC staff on a confidential basis because it is General Electric's belief that it is in the public interest for the staff to be promptly furnished with significant or potentially significant information. Furnishing the document on a confidential basis pending completion of General Electric's internal review permits early acquaintance of the staff with the information while protecting General Electric's potential proprietary position and permitting General Electric to insure the public documents are technically accurate and correct.
6. Initial approval of proprietary treatment of a document is typically made by the Subsection manager of the originating GE component, who is most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within the Company is limited on a "need to know" basis and such documents are clearly identified as proprietary.
7. The procedure for approval of external release of such a document typically requires review by the Subsection Manager, Project manager, Principal Scientist or other equivalent authority, by the Subsection Manager

of the cognizant Marketing function (or delegate) and by the Legal Operation for technical content, competitive effect and determination of the accuracy of the proprietary designation in accordance with the standards enumerated above. Disclosures outside General Electric are generally limited to regulatory bodies, customers and potential customers and their agents, suppliers and licensees then only with appropriate protection by applicable regulatory provisions or proprietary agreements.

8. The document mentioned in paragraph 2 above has been evaluated in accordance with the above criteria and procedures and has been found to contain information which is proprietary and which is customarily held in confidence by General Electric.
9. The information to the best of my knowledge and belief has consistently been held in confidence by the General Electric Company, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties have been made pursuant to regulatory provisions of proprietary agreements which provide for maintenance of the information in confidence.
10. Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of the General Electric Company and deprive or reduce the availability of profit making opportunities because:
 - a. The ATWS rule compliance alternatives described in this report have been developed with the expenditure of substantial resources (both engineering man-hours as well as experimental verification). This investment would be threatened by public release of the subject in the following ways:
 - 1) The information presents a concise summary and synthesis of the various alternatives which a BWR can consider to showing compliance to 10CFR50.62.
 - 2) The information reveals details of a rule compliance program. The ability to use that program to obtain an NRC acceptance confers a unique and essential advantage upon GE and would similarly advantage a competitor to whom it becomes available.
 - b. Public availability of this information would deprive GE of the ability to seek reimbursement and would permit competitors to utilize this information to GE's detriment to the substantial financial and competitive disadvantage of GE.
 - c. Public availability of the information would allow competitors, including competing BWR suppliers, to obtain ATWS rule compliance alternatives technology at no cost to themselves, which GE developed at substantial cost. Use of this information by competitors would give them a competitive advantage over GE by allowing them to produce their competitive offerings at lower cost than GE.

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss:

R. Villa, 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 25 day of June, 1987.

Rudolph Villa
R. Villa
General Electric Company

Subscribed and sworn before me this 25 day of June 1987.



Paula F. Hussey
NOTARY PUBLIC, STATE OF CALIFORNIA