



GE Energy

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MFN 05-077

Project 717

August 4, 2005

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20555-0001

Subject: **TRACG04A Executable Code**

This letter transmits a CD (Enclosure 1) that includes an updated copy of the executable code for the TRACG04A engineering computer code (ECP). This information is being provided as requested by the NRC during the review of the ESBWR preapplication material. This executable code and the other provided files supporting its use are applicable for an AXP processor running the VMS operating system. The executable code corresponds to the Program Library version that achieved Level 2R status on August 2, 2005. We will refer to this executable code as the 2005-06-27 version since that is the revision date that is indicated when the code is executed. The full contents of the enclosed CD are described below.

The README files on the CD include instructions for loading the executable code, test problem and a draft version of the TRACG04A,P User's Manual. This information is being supplied to the NRC only for the purpose of evaluating the TRACG04 code for applications that GE has requested the NRC review. By this transmittal, the NRC is granted permission to install the contents of the CD on a single computer system that may be operated only for evaluation of the ESBWR in a network environment provided security measures are in place to prevent unauthorized disclosure of GE proprietary information. The installed code and the other files transmitted on the CD as well as the output produced from the execution of the code are classified as GE proprietary information.

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CD contents:

README.PDF

UM_TRACG04AP_20050729.PDF

GE_TRACG04A_20050804.SAV (AXP saveset including the following files)

TRACG04A.EXE (indicates revision date of 2005-06-27 when executed)

RUN.COM

SPERT_SS.INP

SPERT_SS.TDT

SPERT_SS.WRP

SPERT_TR.INP

SPERT_TR.TDT

SPERT_TR_TOT.REF

SPERT_TR_OUT.REF

The CD also contains the ESBWR ATWS basedeck and MSIV isolation ATWS case:

4500_EOCN.WRP (Panacea wrapup file, binary CEDAR format)

The following files are ASCII format:

1132_EOC.TOSDAT (Steady state 3D kinetics input)

1132-MSIV.TOSDAT (Transient 3D kinetics input)

ATWS-SS-EOC-JUN05.BDK (TRACG Steady State basedeck input file)

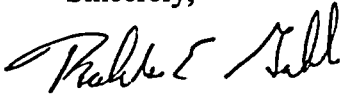
ATWS-MSIV-EOC-BOUND.INP (TRACG MSIV isolation ATWS transient input file)

The Enclosure 1 CD contains GE proprietary information as defined by 10 CFR 2.390. GE customarily maintains this information in confidence and withholds it from public disclosure. Enclosure 1 is proprietary in its entirety and, due to the nature of these files, a non-proprietary version is not available.

The affidavit contained in Enclosure 2 identifies that the information contained in Enclosure 1 has been handled and classified as proprietary to GE. GE hereby requests that the information of Enclosure 1 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 9.17.

If you have any questions about the information provided here, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Gamble".

Robert E. Gamble
Manager, ESBWR

Enclosures:

1. MFN 05-077 – TRACG04A Executable Code and Associated Files (CD)
2. Affidavit, George B. Stramback, dated August 4, 2005

cc: WD Beckner USNRC (w/o enclosures)
LA Dudes USNRC (w/o enclosures)
AE Cabbage USNRC (with enclosures)
MB Fields USNRC (w/o enclosures)
GB StrambackGE (with enclosures)

ENCLOSURE 1

MFN 05-077

TRACG04A
Executable Code
And
Associated Files

GE Company Proprietary

PROPRIETARY INFORMATION NOTICE

This enclosure contains proprietary information of the General Electric Company (GE) and is furnished in confidence solely for the purpose(s) stated in the transmittal letter. No other use, direct or indirect, of the document or the information it contains is authorized. Furnishing this enclosure does not convey any license, express or implied, to use any patented invention or, except as specified above, any proprietary information of GE disclosed herein or any right to publish or make copies of the enclosure without prior written permission of GE. Each page in this enclosure that contains proprietary information carries the notation "GE Proprietary Information." Paragraph (3) of the affidavit provided in Enclosure 3, documents the basis for the proprietary determination.

MFN 05-077
Enclosure 2

ENCLOSURE 2

MFN 05-077

Affidavit

General Electric Company

AFFIDAVIT

I, **George B. Stramback**, state as follows:

- (1) I am Manager, Regulatory 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 contained in Enclosure 1 (CD) of GE letter MFN 05-077, Robert E. Gamble to USNRC, *TRACG04A Executable Code*, dated August 4, 2005. The proprietary information is contained in the Enclosure 1 CD, *TRACG04A Executable Code and Associated Files*. The CD contains the designation, *GE Proprietary Information* ⁽³⁾. The files contained on the CD are entirely proprietary. The superscript notation⁽³⁾ refers to Paragraph (3) of this affidavit, which provides the basis for the proprietary determination.
- (3) In making this application for withholding of proprietary information of which it is the 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), and 2.790(a)(4) for "trade secrets" (Exemption 4). The material for which exemption from disclosure is here sought 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 aspects of past, present, or future General Electric customer-funded development plans and programs, resulting in potential products to General Electric;

- d. 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 paragraphs (4)a., and (4)b, above.

- (5) To address 10 CFR 2.390 (b) (4), 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 originating component, 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 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 the TRACG computer code implementing the analytical models, methods and processes, which GE has developed, and applied to perform evaluations for the BWR. GE has developed this TRACG code for over fifteen years, at a total cost in excess of three million dollars.

The development of the evaluation process along with the interpretation and application of the analytical results is derived from the extensive experience database that constitutes a major GE asset.

- (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 safety and 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. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

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

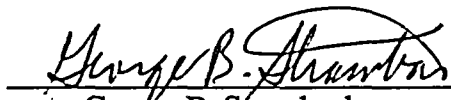
The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

GE's competitive advantage will be lost if its competitors are able to use the results of the GE 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 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 of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 4th day of August 2005


George B. Stramback
General Electric Company