



General Electric Company
175 Carter Avenue, San Jose, CA 95128

February 25, 1993

Docket No. 52-004
MFN No. 030-93

Document Control Desk
US Nuclear Regulatory Commission
Washington, DC 20555

**SUBJECT: Submittal of Licensing Topical Report (NEDE-32178P)
 for Review and Acceptance for Referencing.**

ATTN: Chief Standardization & Special Projects Branch

GE Nuclear Energy is submitting, for review and approval for referencing in licensing actions, the following licensing topical report (LTR) on the TRACG Boiling Water Reactor analysis code: NEDE-32178P, Application of TRACG Model to SBWR Licensing Safety Analysis, February 1993.

As specified by NUREG-0390, twenty-three (23) hard copies are enclosed.

GE is also submitting, concurrently, but under separate cover, the first two of a series of LTRs relating to the use of the TRACG code. These reports are: NEDE-32176P, TRACG, Model Description, February 1993; NEDE-32177P, TRACG, Qualification, February 1993.

The first referencing of this report was in the Simplified Boiling Water Reactor Standard Safety Analysis Report, GE document number 25A5113, Rev. A, which was submitted August 1992 (Docket No. 52-004). Your review of these LTRs on a schedule compatible with the Final Design Approval for the SBWR is requested.

GE also expects to reference these LTRs in future submittals detailing the following applications of the TRACG code to current operating plants: Transients, Loss of Coolant Accidents, Reactivity Insertion Accidents and Anticipated Transients Without Scram. GESTAR II will be revised to reference TRACG following approval of these LTRs.

It should be noted that NEDE-32178P presents a new method of compensating for plant parameter uncertainties in the SBWR safety analyses. Since the SBWR has a number of unique features, this methodology may not be the optimum for application to other BWRs. GE plans to present a methodology for dealing with the uncertainties in other generations of BWRs in a future LTR.

LTRBK 93-14

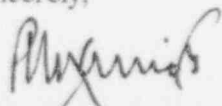
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GE requests that the NRC establish separate TAC numbers for each report in the TRACG series. This will facilitate the proper allocation of the review expenses within GE.

Please note that the information contained in the enclosure 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,



P.W. Marriott, Manager
Regulatory and Analysis Services
MC-444, (408)925-6948

cc: L.S. Gifford (GE)
R.C. Jones, Jr. (NRC)
M.M. Razzaque (NRC)
M. Malloy (NRC)

GENERAL ELECTRIC COMPANY

AFFIDAVIT

I, JAMES F. KLAPPROTH, being duly sworn, depose and state as follows:

- (1) I am Fuel Licensing Manager, 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 the document: NEDE-32178P, Application of TRACG Model to SBWR Licensing Safety Analysis, February 1993. This information is delineated by bars marked in the margin adjacent to the specific material.
- (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), 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.
- (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. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in (6) and (7) following. 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.
- (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) is classified as proprietary because it contains details of the methods development and supporting data and analyses, including test data and modeling, relative to the TRACG computer program. This program is intended for use as the licensing-basis code for evaluating SBWR response to transients, loss-of-coolant accidents, reactivity insertion accidents, and anticipated transients without scram. This code has been under development by GE for over ten years, at a total cost in excess of \$3 million. This information is considered to be proprietary for the reasons set forth in both paragraphs 4.a and 4.b, above.
- (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. 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.

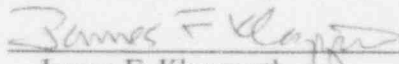
The value of this information to GE would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GE of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

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

James F. Klapproth, 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 23 day of February, 1993


James F. Klapproth
General Electric Company

Subscribed and sworn before me this 23rd day of February, 1993




Notary Public, State of California