



GE Nuclear Energy

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March 14, 1996

MFN 038-96
Docket 52-004

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

Attention: Theodore E. Quay, Director
Standardization Project Directorate

Subject: **SBWR - GIRAFFE HELIUM TESTS APPARENT TEST RESULTS REPORTS
(ATRs) Proprietary & Non-Proprietary and
DATA TRANSMITTAL for TESTS H3 & H4**

Reference: 1. Letter from J.E. Quinn (GE) to T.E. Quay (NRC), SBWR - Updated Status of
Test Documentation Submittals, MFN 125-95, July 24, 1995
2. Letter from J.E. Quinn (GE) to T.E. Quay (NRC), SBWR - Data Transmittal
for GIRAFFE Helium Tests H1 & H2, MFN 018-96, February 15, 1996

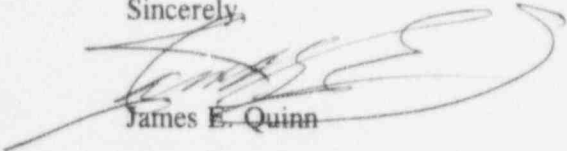
The attachments to this letter supply the Apparent Tests Results (ATR) Reports (Proprietary and Non-Proprietary) for the four helium tests and the two tie-back tests. In addition, this letter supplies the electronic test data for the GIRAFFE Helium Tests H3 & H4. This transmittal satisfies item numbers 29, 31, 33 and 34 of Reference 1.

The test results for each instrument are provided in the attached four computer disks. Attachment 1 to this letter provides a list of the instruments included on each computer disk. Tables and figures which describe the instruments and show their exact location in the GIRAFFE test facility in Kawasaki City, Japan were already provided in Attachment 2 of Reference 2.

Please note that the Apparent Test Results Reports and the computer disks contain information of the type which the General Electric Company (GE) and its associates maintain in confidence and withhold from public disclosure. The information has been handled and classified as proprietary to GE and its associates 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. The proprietary information is delineated by a "GE PROPRIETARY" stamp on the applicable pages and a line in the right hand margin to indicate the Proprietary material.

Should you have any questions concerning the attachments please contact Maryann Herzog of our staff on 408-925- 1921.

Sincerely,


James E. Quinn

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PDR ADOCK 05200004
A PDR

Change: NRC FOR 4040

4 Letter advanced to File Center 3/18/96



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Attachments: GIRAFFE Test ATR for Tests H1 & 2, GENE-T1500013-001 & 001P
GIRAFFE Test ATR for Tests H3 & 4, GENE-T1500013-002 & 002P
GIRAFFE Test ATR for Tests T1 & 2, GENE-T1500013-003 & 003P
GIRAFFE Helium Tests H3 & H4 Data Computer Disks (4)
Attachment 1: Tests H3 & H4 Data Transmittal File Contents

cc:	P. A. Boehnert	(NRC/ACRS)	(2 paper copies of letter & ATRs plus E-Mail)
	I. Catton	(ACRS)	(1 paper copy of letter & ATRs plus E-Mail)
	S. Q. Ninh	(NRC)	(2 paper copies of letter & ATRs plus E-Mail)
	J. H. Wilson	(NRC)	(1 paper copy of letter & ATRs plus E-Mail)
	D. Scaletti	(NRC)	(1 paper copy of letter & ATRs plus E-Mail)
	A. Drozd	(NRC)	(1 paper copy of letter, ATRs & computer disks plus E-Mail)



MFN 018-96

bcc: (E-Mail of transmittal letter only except as noted)

J. A. Beard

R. H. Buchholz

T. Cook

(DoE)

(2 paper copies of letter & ATRs plus E-Mail)

R. T. Fernandez

(EPRI)

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(Toshiba)

(1 paper copy of letter, ATRs and computer disks)

GE Master File

(1 paper copy of letter and ATR plus E-Mail)

SBWR Project File

(1 paper copy of letter and ATR plus E-Mail)

General Electric Company

AFFIDAVIT

I, *Joseph F. Quirk*, being duly sworn, depose and state as follows:

- (1) I am Joseph F. Quirk, Project Manager, ABWR Certification, 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) GE is an owner of the information sought to be withheld. This information is contained in the proprietary electronic file copy of the SBWR GIRAFFE Helium tests H3 & H4 data on four computer disks and the proprietary Apparent Test Results reports for GIRAFFE Helium Tests H1, H2, H3, H4, T1 & T2: GENE-T1500013-001, GENE-T1500013-002 and GENE-T1500013-003. The computer disks are labeled with a proprietary marking. The proprietary information in the Apparent Test Results Reports are delineated by bars marked in the margin adjacent to the specific material.
- (3) In making this application for withholding of proprietary information, GE claims to have an unrestricted right to dissemination of this information and has a royalty-free license to any patent relating to this information, as defined in the contract with its associates. 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 GE's competitors without license from GE 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 GE, its customers, or its suppliers;
- d. Information which reveals aspects of past, present, or future GE customer-funded development plans and programs, of potential commercial value to GE;
- 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., (4)b. and (4)d., 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 its associates, 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 and its associates, 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 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 detailed results of the Simplified Boiling Water Reactor (SBWR) tests. GE is under contract to the Department of Energy (DOE) for development of the SBWR. This SBWR test program has been under development by GE and its associates for more than seven years at a total program cost of tens of millions of dollars. A substantial effort has been expended by GE and its associates to develop this information in support of DOE and the SBWR program.

- (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 testing and 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.

STATE OF CALIFORNIA)
)
COUNTY OF SANTA CLARA)

SS:

Joseph F. Quirk, 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 14th day of March 1996.

Joseph F. Quirk
Joseph F. Quirk
General Electric Company

Subscribed and sworn before me this 14th day of March 1996.



Paula F. Hussey
Notary Public, State of California

GIRAFFE HELIUM TEST H3 RESULTS

DATA TRANSMITTAL FILE CONTENTS

Floppy Disk No.	File Name	Instruments included in this File					
1	PT_H3.TXT	Units: MPa					
		PTR 01	PTD 01	PTS 01	PTG 01	PTP 01	
		Units: m					
		DPR 01	DPR 04	DPR 06	DPR 07	DPR 12	
		Units: m					
		DPS 01	DPS 02	DPS 07	DPS 04	DPS 08	DPD 02
		DPG 01	DPP 01	DPP 02	DPP 03		
		Units: kPa					
		DPS06	DPR13	DPP 04	DPP 06		
		Units: l/min		Units: kg/s	Units: MPa	Units: kPa	
		FT-GD1	FT-PC1	FT-PC2	PTL 12	DPL 12	
		Units: Volts					
		VMH 01	VMD 01	VMD 02	VMS 01	VMS 02	VMS 03
		VMG 01					
		Units: kW					
		RPV Pow					
2	TE_H3.TXT	Units: Degrees Kelvin					
		TER 01	TER 02	TER 03	TER 04	TER 05	TER 06
		TER 07					
		TED 01	TED 02	TED 03	TED 04	TED 05	TED 06
		TED 07	TED 31	TED 32	TED 33		
		TES 01	TES 02	TES 03	TES 04	TES 05	TES 06
		TES 07	TES 08	TES 09	TES 10	TES 11	TES 12
		TES 13	TES 19				
		TEG 01	TEG 02	TEG 03			
		TEP 01	TEP 02	TEP 03	TEP 04	TEP 05	TEP 06
		TEP 07	TEP 08	TEP 09	TEP 10	TEP 11	TEP 12
		TEP 13	TEP 14	TEP 15	TEP 16	TEP 17	TEP 18
		TEP 19	TEP 20	TEP 21	TEP 22	TEP 23	TEP 24
		TEP 25	TEP 26	TEP 27	TEP 28	TEP 29	TEP 30
		TEP 31					
		TEL 11	TEL 12	TEL 21	TEL 31	TEL 32	TEL 41
		TEL 42	TEL 81	TEL 82	TEL 91	TEA 01	

GIRAFFE HELIUM TEST H4 RESULTS

DATA TRANSMITTAL FILE CONTENTS

Floppy Disk No.	File Name	Instruments included in this File					
1	PR_H4.TXT	Units: MPa					
		PTR 01	PTD 01	PTS 01	PTG 01	PTP 01	
		Units: m					
		DPR 01	DPR 04	DPR 06	DPR 07	DPR 12	DPD 02
		Units: m					
		DPS 01	DPS 02	DPS 07	DPS 04	DPS 08	
		DPG 01	DPP 01	DPP 02	DPP 03		
		Units: l/min			Units: kPa		
		FT-PC1	FT-GD1	DPR 13	DPS 06	DPP 04	DPP 06
		Units: Volts					
		VMH 01	VMD 01	VMD 02	VMS 01	VMS 02	VMS 03
		VMG 01	RPV Pow (kW)				
1	GFR_H4.TXT	Units: Degrees Kelvin					
		TEN 02	TEN 03	TEN 04	TEH 01		
		Units:SLM	Units:MPa	Units:kPa	Units:kg/s		
		FT-HE1	PTL 12	DPL 12	FT-PC2		
1	TE1_H4.TXT	Units: Degrees Kelvin					
		TER 01	TER 02	TER 03	TER 04	TER 05	TER 06
		TER 07					
2	TE2_H4.TXT	Units: Degrees Kelvin					
		TED 01	TED 02	TED 03	TED 04	TED 05	TED 06
		TED 07	TED 31	TED 32	TED 33		
		TES 01	TES 02	TES 03	TES 04	TES 05	TES 06
		TES 07	TES 08	TES 09	TES 10	TES 11	TES 12
		TES 13	TES 19				
		TEG 01	TEG 02	TEG 03			
		TEP 01	TEP 02	TEP 03	TEP 04	TEP 05	TEP 06
		TEP 07	TEP 08	TEP 09	TEP 10	TEP 11	TEP 12
		TEP 13	TEP 14	TEP 15	TEP 16	TEP 17	TEP 18
		TEP 19	TEP 20	TEP 21	TEP 22	TEP 23	TEP 24
		TEP 25	TEP 26	TEP 27	TEP 28	TEP 29	TEP 30
		TEP 31					
		TEL 11	TEL 12	TEL 21	TEL 31	TEL 32	TEL 41
		TEL 42	TEL 81	TEL 82	TEL 91		TEA 01