

August 17, 2001

Mr. James F. Mallay  
Director, Regulatory Affairs  
Framatome ANP  
2101 Horn Rapids Road  
Richland, WA 99352

SUBJECT: RIVER BEND STATION, UNIT 1 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE PURSUANT TO 10 CFR 2.790 REGARDING A CHANGE TO THE MINIMUM CRITICAL POWER RATIO SAFETY LIMIT (SLMCPR) AND CHANGES TO THE REFERENCES FOR THE ANALYTICAL METHODS USED TO DETERMINE THE CORE OPERATING LIMITS (TAC NO. MB2044)

Dear Mr. Mallay:

By application dated May 23, 2001 (LAR 2000-28), Entergy Operations, Inc.(EOI), the licensee for the River Bend Station, submitted your affidavit, dated May 15, 2001, which requested that the letter, dated May 15, 2001, from K. V. Walters, Framatome ANP (FRA-ANP), to J. B. Lee, Entergy Operations, Inc., "Revised River Bend Station Cycle 11 MCPR [Minimum Critical Power Ratio] Safety Limit," submitted as Attachment 4 to the licensee's application, be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version of the letter was submitted by EOI letter dated July 23, 2001, for placement in the Nuclear Regulatory Commission (NRC) Public Document Room, which also includes scanning the letter into the Agencywide Documents Access and Management System (ADAMS) (Acession Number ML012080107), which is the NRC's publically available electronic database.

Your May 15, 2001, affidavit states that the submitted report should be considered exempt from mandatory disclosure for the following reasons:

- (a) The information reveals details of FRA-ANP's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for FRA-ANP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FRA-ANP in product optimization or marketability.

- (e) The information is vital to a competitive advantage held by FRA-ANP, would be helpful to competitors to FRA-ANP, and would likely cause substantial harm to the competitive position of FRA-ANP.

We have reviewed the May 23, 2001, application and proprietary material contained in the Fuel-Related Uncertainties Section of Table 1 on page A-3 of Attachment 4 of the application, in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1737.

Sincerely,

*/RA/*

Robert E. Moody, Project Manager, Section 1  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-458

cc: See next page

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River Bend Station

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