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Michael A. Krupa
Director
Nuclear Safety & Licensing

August 6, 2001

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555

Subject: River Bend Station
Docket No. 50-458
License No. NPF-47
Clarification of Response to NRC Request for Additional Information Regarding
Proposed Amendment to Revise Reactor Vessel Pressure/Temperature Limits
(TAC NOS. MB1114 and MB1153), LAR 2000-26

Reference: 1. RBF1-01-0139, dated July 2, 2001, "Response to NRC Request for
Additional Information Regarding Proposed Amendment to Revise Reactor
Vessel Pressure/Temperature Limits (TAC NOS. MB1114 and MB1153),
LAR 2000-26"

RBF1-01-0173
CNRO-2001-00037

Gentlemen:

On July 2, 2001 Entergy Operations, Inc. responded to a NRC Request for Additional Information (RAI) regarding proposed changes to the reactor vessel pressure/temperature (P/T or P-T) limits as specified in River Bend Station Technical Specification 3.4.11.

This letter clarifies which portions of that response were proprietary and which were non-proprietary. Specifically, the pages in Attachment 1 "Response to Request for Additional Information Proprietary Version" did not have the words "Proprietary Information" on each page. In addition, Attachment 3 "Affidavit Concerning Proprietary Information" should not have had "Proprietary" on each page.

These two attachments are transmitted in this letter with the appropriate designation of proprietary information. Please replace Attachments 1 and 3 of Reference 1 with Attachments 1 and 2, respectively, of this letter. There are no changes required to the non-proprietary Attachment 2 of Reference 1. The text of the two attachments, which were previously submitted under oath and affirmation, have not been altered. The conclusions of the original no significant hazards considerations remain unchanged. This letter introduces no new commitments.

AP01

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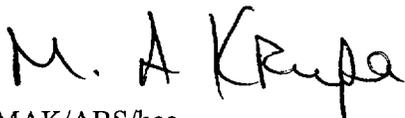
Attachment 1 of this letter provides the responses to the RAI. This attachment includes information from General Electric (GE) Nuclear Energy report GE-NE-B13-02094-00-01, "Pressure-Temperature Curves for Entergy Operations Inc. (EOI) Using the K_{lc} Methodology" which is considered proprietary to GE. Consistent with the proprietary information notice provided in the preface of the report, General Electric requests information provided in Attachment 1 be withheld from public disclosure pursuant to 10 CFR 2.790(a)(4). An affidavit supporting the proprietary information has been provided by GE (the information owner) as Attachment 2. The return address for response to the affidavit is General Electric Company, 175 Curtner Avenue, San Jose, CA 95125.

Entergy Operations requests the NRC approve this amendment request and use of Code Case N-640 on or before September 1, 2001, such that it may be implemented prior Refueling Outage 10, which is scheduled in the Fall of 2001.

Pursuant to 28 U.S.C.A. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 8, 2001.

Very truly yours,



MAK/ABS/baa

attachment: 1. Response to Request for Additional Information (Proprietary)
2. Affidavit Concerning Proprietary Information
cc: (See Next Page)

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cc: Mr. Ellis W. Merschoff
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ATTACHMENT 2

TO

LETTER NO. CNRO-2001-00037

Affidavit Concerning Proprietary Information

General Electric Company

AFFIDAVIT

I, **Margaret Harding**, being duly sworn, depose and state as follows:

- (1) I am Project Manager, Technical 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 the GE proprietary letter from S. Kleinsmith (GE) to Kenneth Baker (Entergy), "NRC Request for Additional Information (RAI) for River Bend Reactor Vessel Pressure/Temperature Limits", dated June 18, 2001 which pertains to the GE proprietary report GE-NE-B13-02094-00-01-R0, *Pressure-Temperature Curves for Entergy Operations Inc. (EOI) Using the K_{IC} Methodology River Bend*, Revision 0, Class III (GE Proprietary Information), dated January 2001. The proprietary 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.

The information sought to be withheld is considered to be proprietary for the reasons set forth in both paragraphs (4)a. and (4)b., 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 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 detailed methods and processes, which GE has developed and applied to pressure-temperature curves for the BWR over a number of years.

The development of the BWR pressure-temperature curves was achieved at a significant cost, on the order of $\frac{3}{4}$ million dollars, to GE. 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.

STATE OF CALIFORNIA)
)
COUNTY OF SANTA CLARA)

ss:

Margaret E. Harding, 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 26th day of JULY 2000.1 ^{MSH 7/24/01}

Margaret E. Harding
Margaret E. Harding
General Electric Company

Subscribed and sworn before me this 26th day of July 2000.1 ^{MS 7/26/01}

Vicky D. Schroer
Notary Public, State of California

