

September 7, 2001

Ms. Margaret Harding
Project Manager, Technical Services
General Electric Company
175 Curtner Avenue
San Jose, CA 95125

SUBJECT: RIVER BEND STATION - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE PURSUANT TO 10 CFR 2.790 REGARDING THE RESPONSE TO THE NRC REQUEST FOR ADDITIONAL INFORMATION DATED MAY 3, 2001 (TAC NO. MB1114)

Dear Ms. Harding:

By letter dated July 2, 2001 (RBF1-01-0139), as supplemented by letters dated August 6 and 20, 2001, Entergy Operations, Inc. (Entergy or the licensee) submitted your affidavit dated July 26, 2001, which requested that information contained in the General Electric (GE) proprietary letter from S. Kleinsmith (GE) to K. 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, "Pressure-Temperature Curves for Entergy Operations Inc. (EOI) Using the K_{IC} Methodology," and its attachments be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version of the affidavit was submitted with the supplemental letters dated August 6 and 20, 2001, for placement in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room, and for scanning into the Agencywide Documents Access and Management System (ADAMS) (Accession Numbers ML012280125 and ML012350096, respectively), which is the NRC's publicly available electronic database.

Your affidavit stated that the submitted information should be considered exempt from mandatory disclosure for the following reasons:

- 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 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.

We have reviewed your application and the material 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 & Decommissioning
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

cc:

Winston & Strawn
1400 L Street, N.W.
Washington, DC 20005-3502

Manager - Licensing
Entergy Operations, Inc.
River Bend Station
P. O. Box 220
St. Francisville, LA 70775

Senior Resident Inspector
P. O. Box 1050
St. Francisville, LA 70775

President of West Feliciana
Police Jury
P. O. Box 1921
St. Francisville, LA 70775

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76011

Ms. H. Anne Plettinger
3456 Villa Rose Drive
Baton Rouge, LA 70806

Administrator
Louisiana Radiation Protection Division
P. O. Box 82135
Baton Rouge, LA 70884-2135

Wise, Carter, Child & Caraway
P. O. Box 651
Jackson, MS 39205

Executive Vice President and
Chief Operating Officer
Entergy Operations, Inc.
P. O. Box 31995
Jackson, MS 39286

General Manager - Plant Operations
Entergy Operations, Inc.
River Bend Station
P. O. Box 220
St. Francisville, LA 70775

Director - Nuclear Safety
Entergy Operations, Inc.
River Bend Station
P. O. Box 220
St. Francisville, LA 70775

Vice President - Operations Support
Entergy Operations, Inc.
P. O. Box 31995
Jackson, MS 39286-1995

Attorney General
State of Louisiana
P. O. Box 94095
Baton Rouge, LA 70804-9095

Mr. Randall K. Edington
Vice President - Operations
Entergy Operations, Inc.
River Bend Station
P. O. Box 220
St. Francisville, LA 70775

May 1999