

September 26, 2001

Mr. Michael A. Krupa  
Director of Nuclear Safety & Licensing  
Entergy Operations, Inc.  
1340 Echelon Parkway  
Jackson, MS 39213

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
- RIVER BEND STATION (TAC NO. MB2044)

Dear Mr. Krupa:

By your application and affidavit dated August 23, 2001, you submitted Attachment 1 of the document CNRO-2001-00040, "Response to NRC Request for Additional Information," and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's or the Commission's) Public Document Room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

4. This information is of the type customarily held in confidence by EOI [Entergy Operations, Inc.] and its fuel suppliers and, other than the Commission, is intended to be held in confidence and not disclosed to the public. The information is classified as confidential because it contains information on test data and analytical methods applied to River Bend Station's Cycle 11 core design which contains both ATRIUM-10 and GE11 fuel. Although EOI is the owner of the information, the information was developed by using data and analytical methods which General Electric [Company (GE)] and Framatome-APN, Richland (FRA-ANP) individually designate[d] as proprietary. Entergy Operations is under contractual obligation to General Electric and FRA-ANP to treat this information as proprietary.
5. The research, development, engineering and NRC review costs comprise an investment of time and costs to GE, FRA-ANP, and EOI. Disclosure of this information to a competitor would permit the competitor to improve its competitive position by giving valuable insights into BWR [boiling water reactor] fuel design and licensing methodology. In addition, disclosure would harm EOI's contractual obligations related to this information.
6. The information sought to be withheld has been and continues to be held in confidence by EOI and its contractors.

7. The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has and will be made only according to requirements of proprietary agreements which provide for the maintenance of this information.

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  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-458

cc: See next page

7. The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has and will be made only according to requirements of proprietary agreements which provide for the maintenance of this information.

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(s) 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.

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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

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River Bend Station

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