

August 26, 2002

Mr. George B. Stramback
General Electric Company
Project Manager, Regulatory Services
175 Curtner Avenue
San Jose, CA 95125

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
GRAND GULF NUCLEAR STATION, UNIT 1 (TAC NO. MB3972)

Dear Mr. Stramback:

By application and affidavit, executed by you, dated January 31, 2002, Entergy Operations, Inc., submitted General Electric Company (GE or General Electric) Report NEDC-33048P, "Safety Analysis Report for Grand Gulf Nuclear Station Thermal Power Optimization," dated January 2002, 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, transmitted by letter dated March 18, 2002, has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room. Proprietary errata and addenda to NEDC-33048P, which provided replacement pages, were submitted by supplemental letters dated June 25 and July 8, 2002, which indicated applicability to the original January 31, 2002, affidavit.

The affidavit stated that the submitted information should be considered exempt from mandatory public 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 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.

We have reviewed your application and all of the supporting information in accordance with the requirements of 10 CFR 2.790 and have concluded that you have not provided sufficient justification for us to determine that the information sought to be withheld from public disclosure contains proprietary, or confidential commercial or financial information. Specifically, NEDC-33048P contains numerous instances where information that is sought to be withheld is known to have already been disclosed to the public. As an example, GE claims that the following material (page 3-2 of NEDC-33048P) is proprietary:

The reactor vessel material surveillance program consists of three capsules. The three capsules have been in the reactor vessel since plant startup. One of these capsules is scheduled to be removed after 24 EFPY [effective full-power year] of operation, the removal schedule for the second capsule is to be determined, and the third capsule is classified as "Standby".

This material is also contained in the NRC staff safety evaluation issued on August 21, 1996, in support of Grand Gulf Nuclear Station (GGNS), Unit 1, License Amendment No. 127, which was distributed to the public. In a second example, GE claims that the following material (page 8-1 of NEDC-33048P) is proprietary:

Building ventilation systems control airborne radioactive gases by using devices such as High Efficiency Particulate Air (HEPA) and charcoal filters, and radiation monitors that activate isolation dampers or trip supply and exhaust fans, or by maintaining negative or positive air pressure to limit migration of gases.

The above material is contained in the GGNS, Unit 1, Updated Final Safety Analysis Report (UFSAR), Section 9.4.7.2.2, "Containment Ventilation and Filtration System," which has been made public. Finally, in a third example, GE claims that the following material (page 8-3 of NEDC-33048P) is proprietary:

The noble gases released during plant operation result from the escape of minute fractions of the fission products from the fuel rods.

The above material is also contained in the GGNS, Unit 1, UFSAR, Section 11.1.1.1, "Noble Radiogas Fission Products," which has been made public. Accordingly, the NRC staff does not agree that the subject statement contains trade secrets or privileged or confidential commercial information in accordance with 10 CFR 2.790 (b)(4)(iv).

Moreover, as noted in paragraph (8) of your January 31, 2002, affidavit, the remainder of NEDC-33048P (that portion of the report not delineated with bars marked in the margins) is claimed to be proprietary because it constitutes a confidential compilation of information. Since the non-proprietary version of NEDC-33048 contains inadequate information to support the proposed GGNS, Unit 1, power uprate, and because the NRC staff cannot confidently divulge any part of NEDC-33048P, the NRC staff concludes that it cannot inform the public as to the bases, if any, for approval of the proposed power uprate.

Accordingly, we have concluded that the information sought to be withheld from public disclosure does not meet the requirements of 10 CFR 2.790. Therefore, your request to withhold NEDC-33048P from public disclosure is denied. Should you decide to resubmit NEDC-33048P, we request that you limit the scope of the information that you seek to withhold from public disclosure to those pieces of information that strictly meet the requirements of 10 CFR 2.790. In addition, should you decide to resubmit NEDC-33048P, we request that the companion non-proprietary report be a simple redaction of NEDC-33048P.

Within 30 days from the date of this letter, the subject documents will be placed in the Public Document Room. If, within 30 days of the date of this letter, you request withdrawal of the documents in accordance with 10 CFR 2.790(c), your request will be considered in light of

applicable statutes and regulations, and a determination made whether the documents will be withheld from public disclosure and returned to you.

If you have any questions regarding this matter, I may be reached at 301-415-1439.

Sincerely,

/RA/

David H. Jaffe, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-416

cc: See next page

applicable statutes and regulations, and a determination made whether the documents will be withheld from public disclosure and returned to you.

If you have any questions regarding this matter, I may be reached at 301-415-1439.

Sincerely,

/RA/

David H. Jaffe, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-416

cc: See next page

DISTRIBUTION:

PUBLIC

PDIV-1 Reading

RidsNrrDlpmPdiv (WRuland)

RidsNrrDlpmPdivLpdiv1 (RGramm)

RidsNrrPMDJaffe

RidsNrrPMBVaidya

RidsNrrLADJohnson

MPSiemien, OGC

RidsRgn4MailCenter (KBrockman)

Accession No.: ML022100096

*See Previous Concurrence

OFFICE	PDIV-1/PM	PDIV-1/LA	OGC	EMCB/SC	EMCB/SC	SPLB/SC	SPSB/SC(A)
NAME	DJaffe	DJohnson	MPSiemien	LLund*	SCoffin*	SWeerakkody*	FReinhart*
DATE	8/21/02	8/21/01	8/21/02	8/14/02	8/14/02	8/14/02	8/14/02

OFFICE	SRXB/SC	EMEB/SC	EEIB/SC	EEIB/SC	IEHB/SC	PDIV-1/SC
NAME	RCaruso*	KManoly*	CHolden*	EMarinos*	DTrimble*	RGramm
DATE	8/14/02	8/14/02	8/14/02	8/15/02	8/15/02	8/22/02

OFFICIAL RECORD COPY

Grand Gulf Nuclear Station

cc:

Executive Vice President
& Chief Operating Officer
Entergy Operations, Inc.
P. O. Box 31995
Jackson, MS 39286-1995

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

Winston & Strawn
1400 L Street, N.W. - 12th
Floor Washington, DC 20005-3502

Director
Division of Solid Waste Management
Mississippi Department of Natural
Resources
P. O. Box 10385
Jackson, MS 39209

President
Claiborne County
Board of Supervisors
P. O. Box 339
Port Gibson, MS 39150

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

Senior Resident Inspector
U. S. Nuclear Regulatory Commission
P. O. Box 399
Port Gibson, MS 39150

General Manager, GGNS
Entergy Operations, Inc.
P. O. Box 756
Port Gibson, MS 39150

Attorney General
Department of Justice
State of Louisiana
P. O. Box 94005
Baton Rouge, LA 70804-9005

State Health Officer
State Board of Health
P. O. Box 1700
Jackson, MS 39205

Office of the Governor
State of Mississippi
Jackson, MS 39201

Attorney General
Asst. Attorney General
State of Mississippi
P. O. Box 22947
Jackson, MS 39225

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

Director
Nuclear Safety Assurance
Entergy Operations, Inc.
P.O. Box 756
Port Gibson, MS 39150

Mr. William A. Eaton
Vice President, Operations GGNS
Entergy Operations, Inc.
P. O. Box 756
Port Gibson, MS 39150