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U.S Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20852-2738

Attention: Chief, Information Management Branch
Program Management
Policy Development and Analysis Staff

Subject: **GE Request for Withholding of GE Proprietary Information from Public Disclosure Peach Bottom Atomic Power Station Unit 2 & 3 (TAC Nos. MB5192 & 5193)**

GE received a copy (Reference) of the NRC issued Safety Evaluation (SE) for the Peach Bottom Atomic Power Station (PBAPS) Appendix K power uprate. GE has reviewed the SE and determined that it contains GE proprietary information. Further, the SE is not protected from public disclosure in accordance with 10 CFR 2.790 because the SE has been issued without a proprietary information designation. GE requests that the SE, and all copies, containing the proprietary information be retrieved and withheld from public disclosure.

The basis for the proprietary classification of the information is provided in the GE affidavits covering the Thermal Power Optimization (TPO) Safety Analysis Report (TSAR) for Peach Bottom Atomic Power Station, Units 2 and 3 (NEDC-33064P), and the GE Licensing Topical Report for TPO (TLTR) (NEDC-32938P). In part, the basis for the NRC SE is the proprietary TSAR and proprietary TLTR (See SE References 4 and 7). Furthermore, the specific information in the subject PBAPS SE is similar, and in some cases identical, to information that also was identified as proprietary during GE's review of the draft SE for Grand Gulf's TPO power uprate. After extensive discussions between GE and the NRC, the final Grand Gulf TPO SE was revised prior to final issuance such that GE proprietary information was not publicly disclosed.

The specific proprietary information contained in the SE is identified below, as well as suggested non-proprietary alternative information that could be used in a revision of the SE. Similar to the Grand Gulf SE information, the suggested non-proprietary alternative makes no technical changes, and does not alter the conclusion, or the basis for any conclusion, currently documented in the SE.

1. Section 3.2.7, third paragraph regarding NEDC-31984P – The second line of this paragraph is proprietary because it describes aspects of the GE processes. As an alternative, the entire sentence probably can be deleted because it may not be needed to support approval of the subject PBAPS application. This alternative

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- may be preferable because the present statement may be inaccurate, for GE did not provide such information to be presented on the PBAPS docket for the subject license amendment application.
2. Section 3.9.3.1, fourth paragraph beginning "TLTR (Reference 7) ..." – The first four sentences of this paragraph contain proprietary information which describe aspects of the GE processes. The second and third sentences are derived from the generic TLTR and may not be needed to support the PBAPS application. The following alternative non-proprietary statements are suggested for this paragraph: "TLTR (Reference 7) Section 5.3.5 and Appendix L present a generic evaluation of an ATWS event for a TPO uprate. This evaluation is applicable to the PBAPS analysis for suppression pool temperature. An evaluation demonstrated that the calculated peak vessel bottom pressure meets the ATWS acceptance criteria."
 3. Section 3.9.3.1, fifth paragraph first line, fourth word. This word conveys the GE proprietary methodology. A non-proprietary alternative would be to simply delete the fourth word of the first line.

In the past, the NRC has provided GE the opportunity to review draft SEs that reference GE proprietary documents to avoid the inadvertent release of proprietary information. GE strongly requests that such reviews be continued in the future.

Please contact Mike Lalor at (408) 925-2443 or the undersigned if there are any questions.

Sincerely,



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Reference: NRC Safety Evaluation, *Safety Evaluation By the Office of Nuclear Reactor Regulation Related to Amendment No. 247 to Facility Operating License No. DPR-44 and Amendment No. 250 to Facility Operating License No. DPR-56, Exelon Generating Company, LLC, PSEG Nuclear LLC, Peach Bottom Atomic Power Station, Units 2 and 3 Docket Nos. 50-277 and 50-278*, dated November 22, 2002

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