

December 20, 2002

Mr. David J. Robare  
General Electric Company  
Technical Projects Manager  
175 Curtner Avenue  
San Jose, CA 95125

SUBJECT: GENERAL ELECTRIC COMPANY, REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE, PILGRIM NUCLEAR POWER  
STATION (TAC NO. MB5603)

Dear Mr. Robare:

By letter dated July 5, 2002, and supplements dated September 27, November 6 and November 21, 2002, Entergy Nuclear Operations, Inc. submitted an application for a 1.5 percent power uprate for the Pilgrim Nuclear Power Station (Pilgrim). The November 6, 2002, supplement contained an affidavit executed by you on October 10, 2002, requesting that the U.S. Nuclear Regulatory Commission (NRC) staff withhold the following report from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.790:

NEDC-33050P, Rev. 1, "Safety Analysis Report for Pilgrim Nuclear Power Station Thermal Power Optimization."

A nonproprietary copy of this document has been placed in the NRC Public Document Room and added to the Agencywide Documents Access and Management System's Public Electronic Reading Room (Accession No. ML023220147).

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 Electrical 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 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.

D. Robare

- 2 -

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 301-415-8474.

Sincerely,

*/RA/*

Travis L. Tate, Project Manager, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-293

cc: See next page

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ADAMS Accession Number: ML023540035

\* See previous concurrence

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**OFFICIAL RECORD COPY**

Pilgrim Nuclear Power Station

cc:

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Secretary of Public Safety  
Executive Office of Public Safety  
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Chairman  
Nuclear Matters Committee  
Town Hall  
11 Lincoln Street  
Plymouth, MA 02360

Pilgrim Nuclear Power Station

cc:

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