

March 7, 2000

Mr. Ian C. Rickard
Director, Nuclear Licensing
ABB Combustion Engineering Nuclear Power, Inc.
P.O. Box 500
2000 Day Hill Road
Windsor, CT 06095-0500

SUBJECT: WNP-2 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE (TAC NO. MA7228)

Dear Mr. Rickard:

By letter dated February 7, 2000, Energy Northwest submitted additional information on an amendment request regarding Technical Specification 4.3.1.2.b in response to a written request from the Nuclear Regulatory Commission (NRC) staff. Energy Northwest requested that the information be withheld from public disclosure pursuant to 10 CFR 2.790.

An affidavit dated January 25, 2000, from ABB, the owner of the information was included in the application. ABB states that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- "a. A similar product is manufactured and sold by major competitors of ABB.
- b. Development of this information by ABB required thousands of dollars and hundreds of manhours of effort. A competitor would have to undergo similar expense in generating equivalent information.
- c. The information consists of technical data and qualification information for ABB-supplied products, the possession of which provides a competitive economic advantage. The availability of such information to competitors would enable them to design their product to better compete with ABB, take marketing or other actions to improve their product's position or impair the position of ABB's product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.
- d. In pricing ABB's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of ABB's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs."

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of ABB's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, "WNP-2 SVEA-96 Fuel Assemblies Dry Fuel Storage Criticality Safety Evaluation," 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 effect the right, if any, of persons properly and directly concerned to inspect the complete 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 should also 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 needs additional information from you or 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) 415-1424.

Sincerely,

/RA/

Jack Cushing, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-397

cc: See next page

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WNP-2

cc:

Mr. Greg O. Smith (Mail Drop 927M)
Vice President, Generation
Energy Northwest
P. O. Box 968
Richland, Washington 99352-0968

Mr. Rodney L. Webring (Mail Drop PE08)
Vice President, Operations Support/PIO
Energy Northwest
P. O. Box 968
Richland, Washington 99352-0968

Mr. Albert E. Mouncer (Mail Drop 1396)
Chief Counsel
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

Thomas C. Poindexter, Esq.
Winston & Strawn
1400 L Street, N.W.
Washington, DC 20005-3502

Ms. Deborah J. Ross, Chairman
Energy Facility Site Evaluation Council
P. O. Box 43172
Olympia, Washington 98504-3172

Mr. Bob Nichols
Executive Policy Division
Office of the Governor
P.O. Box 43113
Olympia, Washington 98504-3113

Mr. D. W. Coleman (Mail Drop PE20)
Manager, Regulatory Affairs
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

Mr. J. V. Parrish
Chief Executive Officer
Energy Northwest
P.O. Box 968 (Mail Drop 1023)
Richland, WA 99352-0968

Mr. Paul Inserra (Mail Drop PE20)
Manager, Licensing
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
Harris Tower & Pavilion
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064

Chairman
Benton County Board of Commissioners
P.O. Box 69
Prosser, Washington 99350-0190

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 69
Richland, Washington 99352-0069