

May 18, 2000

John D. Bateman
Director, Business Management
Science and Technology Division
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94304-1395

SUBJECT: ARKANSAS NUCLEAR ONE, UNIT 2 - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MA8418)

Dear Mr. Bateman:

By supplemental letter dated April 28, 2000, to the Entergy Operations, Inc. (Entergy) application dated March 9, 2000, Entergy submitted Electric Power Research Institute (EPRI) Report TR-107623, Volume 1, "Steam Generator Tube Integrity Risk Assessment, Volume 1: General Methodology," and your affidavit dated April 12, 2000, and requested that the report be withheld from public disclosure pursuant to 10 CFR 2.790.

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

- (ii) The Reports are a type the EPRI considers to be trade secrets and [are] held in confidence by EPRI because to disclose [them] would prevent EPRI from licensing the Reports at fees which would allow EPRI to recover its investment. If consultants and other businesses providing services in the electric/nuclear power industry were able to publicly obtain the Reports, they would be able to use them commercially for profit and avoid spending the large amount of money that EPRI was required to spend to prepare the Reports.
- (iv) It required a large expenditure of dollars for EPRI to develop the Reports. In addition, EPRI was required to use a large amount of time of EPRI employees. The money spent, plus the value of EPRI's staff time in preparing the Reports, show that the Reports are highly valuable to EPRI. Finally, the Reports were developed only after a long period of effort of at least several months.
- (v) A public disclosure of the Reports would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Reports both domestically and internationally. The Reports can be properly acquired or duplicated by others only with an equivalent investment of time and effort.

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 "Steam Generator Tube Integrity Risk Assessment, Volume 1: General Methodology," 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 Nuclear Regulatory Commission (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 301-415-1326.

Sincerely,

/RA/

Thomas W. Alexion, Project Manager
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-368

cc: See next page

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