

September 10, 2001

Mr. Mehran Golbabai  
Project Manager, ANO-2 Power Uprate  
Westinghouse Electric Company  
CE Nuclear Power LLC  
2000 Day Hill Road  
Windsor, CT 06095

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
- ARKANSAS NUCLEAR ONE, UNIT 2 (ANO-2) (TAC NO. MB0789)

Dear Mr. Golbabai:

By letter dated July 3, 2001, and affidavit dated June 15, 2001, executed by Philip W. Richardson of Westinghouse Electric Company LLC (WEC), Jimmy D. Vandergriff, Director, Nuclear Safety Assurance, Entergy Operations, Inc. (the licensee) submitted A-AN-FE-0233, Revision 04 (ANO-2 Document Number 98-E-0036-04), "ANO-2 Radiological Dose Analysis for RSG [Replacement Steam Generator] and Power Uprate," dated November 27, 2000, and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary copy of this document was submitted by letter dated August 13, 2001, from the licensee, and has been placed in the Nuclear Regulatory Commission (NRC) public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) library.

The affidavit stated 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 WEC.
- b. Development of this information by WEC required tens of thousands of dollars and hundreds of manhours of effort. A competitor would have to undergo similar expense in generating equivalent information. In order to acquire such information, a competitor would also require considerable time and inconvenience to develop radiological consequences associated with non-Loss of Coolant Accident transient analyses for ANO-2.
- c. The information consists of technical data and details concerning the development of radiological consequences associated with non-Loss of Coolant Accident transient analyses for ANO-2, the application of which provides WEC a competitive economic advantage. The availability of such information to competitors would enable them to design their product to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.

- d. In pricing WEC's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
- e. Use of the information by competitors in the international marketplace would increase their ability to market comparable analytical services by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licenses.

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.

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 301-415-1326.

Sincerely,

*/RA/*

Thomas W. Alexion, Project Manager, Section 1  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-368

cc: See next page

- d. In pricing WEC's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
- e. Use of the information by competitors in the international marketplace would increase their ability to market comparable analytical services by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licenses.

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.

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 301-415-1326.

Sincerely,

*/RA/*

Thomas W. Alexion, Project Manager, Section 1  
 Project Directorate IV  
 Division of Licensing Project Management  
 Office of Nuclear Reactor Regulation

Docket No. 50-368

cc: See next page

DISTRIBUTION:

PUBLIC PDIV-1 r/f  
 RidsNrrDlpmLpdiv (S. Richards) M. P. Siemien (MPS)  
 RidsNrrDlpmLpdiv1 (R. Gramm) RidsNrrPMTAlexion  
 RidsRgn4MailCenter (K. Brockman) RidsNrrLADJohnson

Accession No.: ML012530385

OFFICE	PDIV-1/PM	PDIV-1/LA	SPSB	SPSB/SC	OGC	PDIV-1/SC
NAME	TAlexion:	DJohnson	JHayes	MReinhart	MPSiemien	RGramm
DATE	08/03/01	09/04/01	08/31/01	09/04/01	09/06/01	09/07/01

Arkansas Nuclear One

cc:

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

Director, Division of Radiation  
Control and Emergency Management  
Arkansas Department of Health  
4815 West Markham Street, Slot 30  
Little Rock, AR 72205-3867

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

Mike Schoppman  
Framatome ANP, Richland, Inc.  
Suite 705  
1911 North Fort Myer Drive  
Rossylin, VA 22209

Senior Resident Inspector  
U.S. Nuclear Regulatory Commission  
P. O. Box 310  
London, AR 72847

Regional Administrator, Region IV  
U.S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011-8064

County Judge of Pope County  
Pope County Courthouse  
Russellville, AR 72801

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

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

Mr. Craig G. Anderson  
Vice President Operations, ANO  
Entergy Operations, Inc.  
1448 S. R. 333  
Russellville, AR 72801

Jimmy D. Vandergrift  
Director, Nuclear Safety Assurance  
Entergy Operations, Inc.  
1448 S. R. 333  
Russellville, AR 72801