

October 10, 2001

Mr. Mehran Golbabai
Project Manager, ANO-2 Power Uprate
Westinghouse Electric Company, 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 August 23, 2001, and affidavit dated August 21, 2001, executed by Norton L. Shapiro of Westinghouse Electric Company LLC (WEC), Dale E. James, Acting Director, Nuclear Safety Assurance, Entergy Operations, Inc. (the licensee) submitted "Proprietary Responses to the Mechanical and Civil Engineering Branch Request for Additional Information Regarding the ANO-2 Power Uprate" (Attachment 2), 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 September 14, 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 perform required structural analyses and develop the associated analytical models.
- c. The information consists of technical data and details concerning structural effects and structural analyses of the ANO-2 power uprate, 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

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Thomas W. Alexion, Project Manager, Section 1
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