

November 7, 2001

Mr. Ernest M. Hauser
President, Nuclear Division
Caldon, Inc.
1070 Barksville Avenue
Pittsburgh, PA 15216-3054

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE - WATERFORD STEAM ELECTRIC STATION, UNIT 3; RIVER
BEND STATION; AND GRAND GULF NUCLEAR STATION (TAC
NOS. MB2285, MB2320, AND MB2324)

Dear Mr. Hauser:

By your application (CAW-01-06) and affidavit dated June 28, 2001, you submitted Caldon, Inc. (Caldon) Meeting Presentation Slides, which were presented to the Nuclear Regulatory Commission (NRC) during a meeting with Entergy Operations, Inc. held on June 26, 2001, and requested that they be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.790. A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System's 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) The use of such information by Caldon gives Caldon a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Caldon competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Caldon ability to sell products or services involving the use of the information.
- (c) Use by our competitor would put Caldon at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Caldon of a competitive advantage.
- (e) Unrestricted disclosure would jeopardize the position of prominence of Caldon in the world market, and thereby give a market advantage to the competition of those countries.

- (f) The Caldon capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.

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 301-415-1737.

Sincerely,

/RA/

Robert E. Moody, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-382, 50-416, and 50-458

cc: See next page

- (f) The Caldon capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.

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