

November 23, 2001

Mr. Phillip W. Richardson
Licensing Product Manager
Westinghouse Electric Company
2000 Day Hill Road
Windsor, CT 06095

SUBJECT: REQUEST FOR WITHHOLDING FROM PUBLIC DISCLOSURE -
WATERFORD STEAM ELECTRIC STATION, UNIT 3 - SCOPING STUDIES
PERFORMED IN REGARDS TO REPLACEMENT OF PART-LENGTH
CONTROL ELEMENT ASSEMBLY CHANGE REQUEST (TAC NO. MB2379)

Dear Mr. Richardson:

By letter dated October 23, 2001, Entergy Operations, Inc. (EOI), the licensee for Waterford Steam Electric Station, Unit 3 (Waterford 3), submitted your October 16, 2001, affidavit which requested that information contained in the documents, "Scoping Study of PLCEA [Part Length Control Element Assembly] Replacement at Waterford 3," and Combustion Engineering (CE) Report CE NPSD-1202-P, "Elimination of 4-Rod CEAs [Control Element Assemblies] from CE NSSS [Nuclear Steam Supply System] 217 Fuel Assembly Cores," included as Attachments 2 and 3, respectively, to their October 23, 2001, letter, be withheld from public disclosure pursuant to 10 CFR 2.790. Nonproprietary copies of these documents which also were attached to EOI's letter, will be placed in the Nuclear Regulatory Commission (NRC) 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:

- (ii) The information consists of analyses or other similar data concerning a process, method or component, the application of which results in substantial competitive advantage to WEC [Westinghouse Electric Corporation].
- (vi) Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC because:
 - a. A similar product or service is provided by major competitors of Westinghouse [Electric Company].
 - 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.
 - c. The information consists of details of analyses and evaluation data concerning the elimination or replacement of part length control element assemblies at Waterford 3, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to design their product or service 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 service, 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 products or 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 affidavit 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(s) 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 301-415-1480.

Sincerely,

/RA/

N. Kalyanam, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-382

cc: See next page

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Waterford Generating Station 3

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