

December 14, 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 November 16, 2001, and affidavit dated November 13, 2001, executed by Philip W. Richardson of Westinghouse Electric Company LLC (WEC), Glenn R. Ashley, Manager, Licensing, Entergy Operations, Inc. (the licensee) submitted "Tabulation of the NRC [Nuclear Regulatory Commission] Safety Evaluation Report Limitations and/or Constraints and Conformance Associated with ANO-2 Power Uprate Submittal Safety Analyses (Submittal Sections 7.1 and 7.3)" (Attachment 1-B), and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. (The affidavit refers to this document as "Assessment of Compliance of ANO-2 Power Uprate Submittal Safety Analyses (Sections 7.1 and 7.3) with Limitations and/or Constraints Imposed in Relevant NRC Safety Evaluation Reports.") A nonproprietary version of the information provided in Attachment 1-B was provided in Attachment 1-D of the same November 16, 2001, letter, and it has been placed in the 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:

- a. A similar product is manufactured and sold by major pressurized water reactor competitors of WEC.
- b. WEC invested substantial funds and engineering resources in the development of this information. A competitor would have to undergo similar expense in generating equivalent information.
- c. In order to acquire such information, a competitor would also require considerable time and inconvenience to develop an equivalent compilation of SER [Safety Evaluation Report] limitations and/or constraints.
- d. The information consists of the collection of SER limitations and/or constraints applicable to NRC approved WEC reload analysis methodologies in the aggregate, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify 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 data and analyses in support of their processes, methods or apparatus.

- e. 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.
- f. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems 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 licensees.

We have reviewed your applications and the materials 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 versions 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.

Mr. Mehran Golbabai

- 3 -

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

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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*See previous concurrence

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Arkansas Nuclear One

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