February 1, 2002

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 - SUMMARY OF ANALYSES OF OTHER CHAPTER 15 EVENTS IN REGARDS TO REPLACEMENT OF PART-LENGTH CONTROL ELEMENT ASSEMBLY CHANGE REQUEST (TAC NO. MB2379)

Dear Mr. Richardson:

By letter dated January 17, 2002, Entergy Operations, Inc. (EOI), the licensee for Waterford Steam Electric Station, Unit 3 (Waterford Unit 3), submitted your January 15, 2002, affidavit which requested that information contained in the document, "Summary of Analyses of Other Chapter 15 Events," included as Attachment 2 to EOI's January 17, 2002, letter, be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary copy of this document was also attached to EOI's letter, and has been placed in the Nuclear Regulatory Commission (NRC) Public Document Room and added to the Agencywide Documents Access and Management System's Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

2. The information consists of test data or other similar data concerning a process, method or component, the application of which results in substantial competitive advantage to WEC [Westinghouse Electric Corporation].

6. 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 and sold by major competitors of WEC.

   b. WEC invested substantial funds and engineering resources to develop this information. A competitor would have to incur similar expense and investment of resources to generate equivalent information.

   c. The information consists of results of physics parameter assessments for the Waterford Unit 3, Cycle 12 design, 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 information 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 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 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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N. Kalyanam, Project Manager, Section 1
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