

June 20, 2002

Mr. Michael A. Krupa
Director, Nuclear Safety & Licensing
Entergy Operations, Inc.
1340 Echelon Parkway
Jackson, MS 39213-8298

SUBJECT: REQUEST FOR WITHHOLDING FROM PUBLIC DISCLOSURE -
WATERFORD STEAM ELECTRIC STATION, UNIT 3 (TAC NO. MB4272)

Dear Mr. Krupa:

By application and affidavit dated March 6, and March 5, 2002, respectively, from Mr. John Hamilton, Entergy Operations, Inc. (Entergy) submitted Westinghouse Electric Corporation (Westinghouse) Design Report No. DAR-CI-02-1, Revision 2, "Addendum to CENC-1244 Analytical Report for Waterford [Steam Electric Station] Unit 3 Pressurizer," that is owned by Entergy and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. Because of a March 13, 2002, telephone conversation with U.S. Nuclear Regulatory Commission (NRC) staff and request for additional information dated April 9, 2002, Entergy submitted a letter and affidavit dated March 29, 2002, and a letter and affidavit dated May 1, 2002, submitting Revisions 3 and 4, respectively, of Westinghouse Design Report No. DAR-CI-02-1. While Revision 4 of the report superceded Revisions 2 and 3, you requested that Revisions 2 and 3 of the reports contained in the March 6 and 29, 2002, submittals also be withheld from public disclosure. Nonproprietary copies of these documents were not sent, because the vast majority of the information contained in the reports are considered proprietary, which made it impractical to provide a nonproprietary version.

The affidavits stated that the submitted information should be considered exempt from mandatory public disclosure because:

- ii. The information is of a type that is customarily held in confidence by Entergy and not disclosed to the public.
 - ii.1 The information reveals distinguishing aspects of the improved MNSA [Mechanical Nozzle Seal Assembly] design where its use by other companies without license or agreement from Entergy would prevent Entergy from recouping its investment in developing the component.
 - ii.2 The information contains supporting data relative to the improved MNSA design, the application of which increases Entergy's ability to recoup its investment in developing the component.
 - ii.3 The use of the information by another company would reduce its expenditure of resources in the design or licensing of a similar product.

[and]

- iv. The information is not available in public sources and could not be gathered readily from other publicly available information. The information has been developed by Entergy and Westinghouse and has not been made available to the public by either company.

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, Westinghouse Design Report No. DAR-CI-02-1, Revisions 2, 3, and 4, 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, the NRC 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

[and]

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Waterford Generating Station 3

cc:

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