



Entergy Operations, Inc.
1448 S R. 333
Russellville, AR 72802
Tel 501 858 5000

OCAN080201

August 8, 2002

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555

SUBJECT: Arkansas Nuclear One, Units 1 & 2
Docket Nos. 50-313 and 50-368
Use of Metamic® In Fuel Pool Applications

Dear Sir or Madam:

Attached please find the non-proprietary and proprietary reports, "Use of Metamic in Fuel Pool Applications," prepared by Holtec International. Entergy requests the review of the Holtec report for the purposes of licensing Metamic poison panels in spent fuel pool (SFP) applications. Entergy proposes to install these panel inserts in Arkansas Nuclear One (ANO), Unit 2 SFP in July 2003 and in the Unit 1 SFP in the late fall or early winter of 2003. Upon installation a new region will be created in the respective SFPs which will require changes to plant specific Technical Specifications (TSs). The proposed TS changes will be included in a separate submittal in October 2003.

Metamic, which is manufactured by Metamic LLC in Lakeland, Florida, has not previously been used in SFP applications. Its properties, however, are somewhat similar to boral, which is currently being used in SFP applications. The attached report provides the composition and physical properties of Metamic, the manufacturing process, the results of corrosion testing, the resistance of Metamic to radiation damage, and a comparison of Metamic to Boral.

Portions of the report contain proprietary information. The required affidavit from Holtec International is enclosed as Attachment 1. The report containing the non-proprietary information is included in Attachment 2 and the complete report containing proprietary information is contained in Attachment 3. Thus it is requested that Attachment 3 be withheld from public disclosure.

Entergy requests approval of the proposed use of Metamic in SFP applications in order to support installation of these panels in the ANO, Unit 1 in July 2003 and Unit 2 SFPs in late fall /early winter 2003. The proposed changes to the ANO, Unit 1 and Unit 2 TS (TSs) will be submitted in October 2003 and can be reviewed in conjunction with the topical report. However, approval of the proposed TS changes is dependent on approval of the topical report. Although this request is neither exigent nor emergency, your prompt review is requested.

APOI

If you have any questions or require additional information, please contact Dana Millar at 601-368-5445.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 8, 2002.

Sincerely,



Sherrie R. Cotton
Director, Nuclear Safety Assurance

SRC/dm

Attachments:

1. Holtec Affidavit for Proprietary Information
2. Use of Metamic® In Fuel Pool Applications (Non-Proprietary)
3. Use of Metamic® In Fuel Pool Applications (Proprietary)

cc: Mr. Ellis W. Merschoff
Regional Administrator
U. S. Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

NRC Senior Resident Inspector
Arkansas Nuclear One
P. O. Box 310
London, AR 72847

U. S. Nuclear Regulatory Commission
Attn: Mr. William Reckley MS O-7 D1
Washington, DC 20555-0001

U. S. Nuclear Regulatory Commission
Attn: Mr. Thomas W. Alexion MS O-7 D1
Washington, DC 20555-0001

Mr. Bernard R. Bevill
Director Division of Radiation
Control and Emergency Management
Arkansas Department of Health
4815 West Markham Street
Little Rock, AR 72205

Attachment 1

OCAN080201

Holtec Affidavit for Proprietary Information

AFFIDAVIT PURSUANT TO 10CFR2.790

I, Debabrata Mitra-Majumdar, being duly sworn, depose and state as follows:

- (1) I am a Senior Engineer and Project Manager at Holtec International and have reviewed the information described in paragraph (2) which is sought to be withheld, and am authorized to apply for its withholding.

The information sought to be withheld is included in the following Holtec International Report:

Holtec Report No. HI-2022871, "Use of Metamic in Fuel Pool Applications"

This information is considered proprietary to the manufacturer of Metamic (Metamic LLC) and, due to mutual agreement on proprietary material, by Holtec International.

- (2) In making this application for withholding of proprietary information of which it is the owner, Metamic LLC and Holtec International rely upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4) and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10CFR Part 9.17(a)(4), 2.790(a)(4), and 2.790(b)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (3) Some examples of categories of information which fit into the definition of proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Metamic LLC and Holtec's competitors without license from Metamic LLC constitutes a competitive economic advantage over other companies;
 - b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
 - c. Information which reveals cost or price information, production, capacities, budget levels, or commercial strategies of Holtec International, its customers, or its suppliers;

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- d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs 4.a, 4.b, 4.d, and 4.e, above.

- (4) The information sought to be withheld is being submitted to the NRC in confidence. The information (including that compiled from many sources) is of a sort customarily held in confidence by Holtec International, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by Holtec International. No public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (5) and (6) following.
- (5) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within Holtec International is limited on a "need to know" basis.
- (6) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his designee), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside Holtec International are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (7) The information classified as proprietary was developed and compiled by Holtec International at a significant cost to Holtec International. This information is classified as proprietary because it contains detailed descriptions of analytical approaches and methodologies not available elsewhere. This information would provide other parties, including competitors, with information from Holtec International's technical database and the results of evaluations performed by Holtec International. Release of this information

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would improve a competitor's position without the competitor having to expend similar resources for the development of the database. A substantial effort has been expended by Holtec International to develop this information.

- (8) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Metamic LLC and Holtec International's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of Metamic LLC and Holtec International's comprehensive spent fuel storage technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology, and includes development of the expertise to determine and apply the appropriate evaluation process.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by Metamic LLC and Holtec International.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

Metamic LLC and Holtec International's competitive advantage will be lost if its competitors are able to use the results of the experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to Metamic LLC and Holtec International would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Metamic LLC and Holtec International of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

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STATE OF NEW JERSEY)
)
COUNTY OF BURLINGTON) ss:

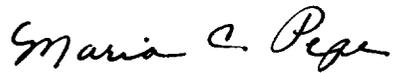
Dr. Debabrata Mitra-Majumdar, being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated therein are true and correct to the best of his knowledge, information, and belief.

Executed at Marlton, New Jersey, this 5th day of August, 2002.


Debabrata Mitra-Majumdar
Holtec International

Subscribed and sworn before me this 5th day of August, 2002.


MARIA C. PEPE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 25, 2005