



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 23, 2009

Vice President of Operations
Arkansas Nuclear One
Entergy Operations, Inc.
1448 S.R. 333
Russellville, AR 72802

SUBJECT: ARKANSAS NUCLEAR ONE, UNITS 1 AND 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NOS.
MC4663 AND MC4664)

Dear Sir or Madam:

By letter dated September 24, 2009, you submitted an affidavit dated August 3, 2009, executed by Mr. J. A. Gresham of Westinghouse Electric Company, LLC, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Westinghouse ZOI [Zone of Influence] Testing at Wyle Labs – material from
WCAP-16836-P, Rev. 0, "Arkansas Nuclear One – Jet Impingement Testing of
Insulating Materials" (Proprietary)

The proprietary information is contained in Attachment 4 to the September 24, 2009, letter from Entergy Operations, Inc. (the licensee), to the U.S. Nuclear Regulatory Commission (NRC) for Arkansas Nuclear One, Units 1 and 2. The proprietary material for which withholding was requested was to be considered proprietary in its entirety. As such, a non-proprietary version was not issued.

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

- (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390; it is to be received in confidence by the Commission.
- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in WCAP-16836-P, Rev. 0, "Arkansas Nuclear One – Jet Impingement Testing of Insulating Materials" (proprietary) dated October 2007, for Arkansas Nuclear One Unit 2 (ANO2), being transmitted by the Entergy letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse for ANO2 is expected to be potentially applicable for other licensee submittals in response to NRC requests for additional information regarding Generic Letter (GL) 2004-02, Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors (PWRs)," dated September 13, 2004 (OCNA090401).

This information is part of that which will enable Westinghouse to:

- (a) Support Entergy's response to the request for additional information from the NRC regarding significant and bounding conservatisms in the overall holistic approach taken for resolution of GL 2004-02 issues which provide reasonable assurance that sufficient margin exists for the ANO units.

Further, this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of justification of calculations related to the jet impingement of materials during a potential high-energy line break in an operating Pressurized Water Reactor (PWR).
- (b) Westinghouse can sell support and defense of justification of reduced Zone of Influence (ZOI) about the postulated pipe break that will result in various insulation materials being treated as debris.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it

would enhance the ability of competitors to provide similar calculations and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the "Westinghouse ZOI Testing at Wyle Labs" (Attachment 4 to the licensee's September 24, 2009, letter) marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(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.

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If you have any questions regarding this matter, I may be reached at 301-415-1480 or by electronic mail at kaly.kalyanam@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Kalyanam', with a horizontal line underneath.

N. Kalyanam, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-313 and 50-368

cc: J. A. Gresham
Manager, Regulatory Compliance and Plant Licensing
Westinghouse Electric Company, LLC
P. O. Box 355
Pittsburgh, PA 15230-0355

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- 4 -

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/RA/

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Plant Licensing Branch IV
Division of Operating Reactor Licensing
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