

WINSTON & STRAWN

35 WEST WACKER DRIVE  
CHICAGO, ILLINOIS 60601-9703

200 PARK AVENUE  
NEW YORK, NY 10166-4193

DAVID A. REPKA  
(202) 371-5726

1400 L STREET, N.W.  
WASHINGTON, D.C. 20005-3502

(202) 371-5700

FACSIMILE (202) 371-5950

6, RUE DU CIRQUE  
75008 PARIS, FRANCE

SULAYMANIYAH CENTER  
RIYADH 11495, SAUDI ARABIA

43, RUE DU RHONE  
1204 GENEVA, SWITZERLAND

Docket No. 50-309

February 11, 1997

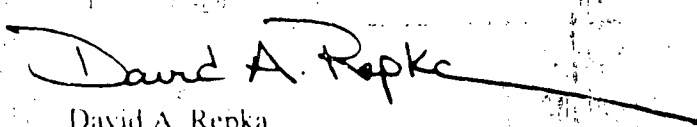
U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

Subject: Maine Yankee Atomic Power Company -- Original Affidavits

Gentlemen:

By letter dated February 7, 1997, I forwarded a copy of the draft "Phase I Management Services Agreement Between Maine Yankee Atomic Power Company and Entergy Nuclear, Inc.". The letter included a request that the draft agreement be withheld from public disclosure pursuant to 10 C.F.R. § 2.790 in that it contains privileged or confidential commercial or financial information. Copies of the necessary supporting affidavits were also included. The originals of the affidavits are now enclosed.

Sincerely,

  
David A. Repka

Counsel for Maine Yankee Atomic  
Power Company

DAR/kah

Enclosures

cc: Daniel H. Dorman  
Steven R. Horn  
John A. Zwolinski  
Donald C. Hintz  
Mary Ann Lynch

9702190249 970211  
PDR ADOCK 05000309  
PDR

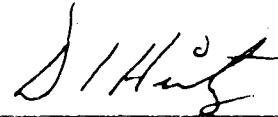
A/2

## AFFIDAVIT

I, Donald C. Hintz, state under oath as follows:

- 1 I am Chief Executive Officer for Entergy Nuclear, Inc.
- 2 I have read the Draft "Phase I Management Services Agreement Between Maine Yankee Atomic Power Company and Entergy Nuclear, Inc." (hereafter "Management Services Agreement").
- 3 The Management Services Agreement contains confidential, privileged or financial information which should be withheld from public disclosure pursuant to 10 C.F.R. 2.790 based on the following:
  - a The Management Services Agreement is a draft agreement undergoing final review by by Maine Yankee Atomic Power Company, Entergy Nuclear, Inc. and their respective legal counsel.
  - b The Management Services Agreement has been held in confidence by Maine Yankee and Entergy Nuclear, Inc. and has been disclosed only to authorized personnel from the two companies, their respective legal counsel and legal counsel for jurisdictional regulatory bodies.
  - c Except as provided in paragraph (b), the provisions of the draft Management Services Agreement for which protection is sought are customarily held in confidence by Maine Yankee, and
  - d The Management Services Agreement contains information which, if disclosed to the public could adversely impact the proprietary interests of Maine Yankee and Entergy Nuclear, Inc. This information, if disclosed to the public, could impact the ability of Entergy Nuclear, Inc. to negotiate terms and conditions in management services agreements for other nuclear facilities and thereby harm Entergy Nuclear, Inc.'s competitive position. In addition, if this information is disclosed to the public, it could provide information to third parties who contract to provide services to Maine Yankee with an advantage during contract negotiations with Maine Yankee, thereby causing substantial economic harm to Maine Yankee.

4. The foregoing statements are true and correct to the best of my knowledge, information and belief



DONALD C. HINTZ

Sworn and subscribed to before me this 7th day of February, 1997

STATE OF MISSISSIPPI

COUNTY OF Madison

  
NOTARY PUBLIC

My commission expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE

EXPIRES 10, 1997  
BOYD & BROTHERS, INC.

ALIBAMA

**AFFIDAVIT**

I, Charles D. Frizzle, state under oath as follows:

1. I am President and Chief Executive Officer for Maine Yankee Atomic Power Company and have been authorized to execute this Affidavit on behalf of Maine Yankee Atomic Power Company.
2. I have read the Draft "Phase I Management Services Agreement Between Maine Yankee Atomic Power Company and Entergy Nuclear, Inc." (hereafter "Management Services Agreement") and have consulted with such employees of Maine Yankee Atomic Power Company as I deemed necessary concerning its contents.
3. The Management Services Agreement contains confidential or privileged or financial information which should be withheld from public disclosure pursuant to 10 C.F.R. 2.790 based on the following:
  - a. The Management Services Agreement is a draft agreement undergoing final review by Maine Yankee Atomic Power Company, Entergy Nuclear, Inc., and their respective legal counsel;
  - b. The Management Services Agreement has been held in confidence by Maine Yankee and Entergy Nuclear, Inc., and has been disclosed only to authorized personnel from the two companies and their respective legal counsel;
  - c. Except as provided in paragraph (b), the provisions of the draft Management Services Agreement for which protection is sought are customarily held in confidence by Maine Yankee; and
  - d. The Management Services Agreement contains information which, if disclosed to the public could adversely impact the proprietary interests of Maine Yankee and Entergy Nuclear, Inc. This information, if disclosed to the public, could impact the ability of Entergy Nuclear, Inc. to negotiate more favorable terms and conditions in management services agreements for other nuclear facilities and thereby cause substantial economic harm to Entergy Nuclear, Inc. In addition, if this information is disclosed to the public, it could provide information to third parties who contract to provide services to Maine Yankee with an advantage during contract negotiations with Maine Yankee, thereby causing substantial economic harm to Maine Yankee.

4 The foregoing statements are true and correct to the best of my knowledge, information and belief.

- 2 -

*Charles D. Frizzle*  
Charles D. Frizzle

Sworn and subscribed to before me this 7th day of February, 1997

STATE OF MAINE )

COUNTY OF CUMBERLAND )

*Donna L. Pelletier*  
NOTARY PUBLIC

My commission expires:

Donna L. Pelletier, Notary Public  
State of Maine

My Commission Expires 12/12/99

- 2 -