



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

April 12, 2021

Site Vice President
Entergy Operations, Inc.
Waterford Steam Electric Station, Unit 3
17265 River Road
Killona, LA 70057-3093

SUBJECT: WATERFORD STEAM ELECTRIC STATION, UNIT 3 – REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(EPID L-2020-LLA-0164)

Dear Sir or Madam:

By letter W3F1-2021-0002 dated January 22, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21024A005), Entergy Operations, Inc. (the licensee) submitted an affidavit dated December 10, 2020, which was executed by Mr. Zachary S. Harper for Westinghouse Electric Company LLC, requesting that the U.S. Nuclear Regulatory Commission (NRC) withhold the following enclosures of letter W3F1-2021-0002 from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- Enclosure 1, “Westinghouse Specification WNA-DS-04517-CWTR3, Revision 5, System Requirements Specification for the Core Protection Calculator System, Proprietary”
- Enclosure 2, “Westinghouse Specification EQ-QR-412-CWTR3, Revision 1, Core Protection Calculator System Upgrade Project Equipment Qualification Summary Report for Waterford Unit 3, Proprietary”

The affidavit dated December 10, 2020, stated that the submitted information in Enclosures 1 and 2 of letter W3F1-2021-0002 should be considered exempt from mandatory public disclosure for the following reasons:

- 4(i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse and is not customarily disclosed to the public.
- 4(ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse’s knowledge, is not available in public sources.
- 4(iii) . . . 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 technical evaluation justifications 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 NRC staff has reviewed the submittal in accordance with the requirements of 10 CFR 2.390 and, based on the statements in the affidavit, has determined that the submitted information sought to be withheld (i.e., Enclosures 1 and 2 of letter W3F1-2021-0002) contains proprietary commercial information and should be withheld from public disclosure. In addition, the NRC staff has determined that the enclosures contain extensive proprietary information to an extent that a non-proprietary (i.e., redacted) version would be of no value to the public.

Therefore, the aforementioned documents 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, the NRC may send copies of this information to its consultants. The NRC will ensure that its 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, the licensee should promptly notify the NRC. The NRC may revisit this determination in the future if, for example, the scope of a Freedom of Information Act request includes this information. The NRC will notify the licensee in advance of any public disclosure if the NRC makes such a determination.

Any questions regarding this matter can be directed to me at 301-415-1383 or Perry.Buckberg@nrc.gov.

Sincerely,

/RA - A. Klett for/

Perry H. Buckberg, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-382

cc: Zachary S. Harper
Manager, Licensing Engineering
Ref. CAW-20-5117
Westinghouse Electric Company
1000 Westinghouse Drive, Suite 165
Cranberry Township, PA 16066

Listserv

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DATE	4/8/2021	4/12/2021	

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