



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

April 7, 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 W3F1-2021-0025 dated March 5, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21064A535), Entergy Operations, Inc. (the licensee) submitted affidavits dated February 5, 2021, and February 12, 2021, executed by Zachary S. Harper from Westinghouse Electric Company LLC, requesting that the U.S. Nuclear Regulatory Commission (NRC) withhold the following information contained in Enclosures 1, 2, and 3 of letter W3F1-2021-0025 dated March 5, 2021, from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- Enclosure 1, “Westinghouse Letter LTR-GIC-20-003, Revision 1, ‘Waterford 3 [Waterford Steam Electric Station, Unit 3] CPCS [Core Protection Calculator System] Response Time Information for FSAR [Final Safety Analysis Report] and Technical Specification,’ Proprietary”
- Enclosure 2, “Westinghouse Letter LTR-TA-20-4, Revision 0, ‘Waterford Unit 3 Common Q Implementation – Non-LOCA [Non-Loss-of Coolant-Accident] Evaluation of Updated CPCS Response Times,’ Proprietary”
- Enclosure 3, “Westinghouse Report WNA-CN-00572-CWTR3, Revision 1, ‘Core Protection Calculator System Response Time Calculation,’ Proprietary”

The affidavits dated February 5, 2021 (for Enclosures 1 and 2), and February 12, 2021 (for Enclosure 3) stated that the submitted information in Enclosures 1, 2, and 3 of letter W3F1-2021-0025 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 your submittal in accordance with the requirements of 10 CFR 2.390 and, based on the statements in the affidavits, has determined that the submitted information sought to be withheld (i.e., Enclosures 1, 2, and 3 of letter W3F1-2021-0025) 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 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, the licensee should promptly notify the NRC. The NRC may revisit this determination in the future, for example, if 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.

If you have any questions regarding this matter, please contact me at 301-415-1383 or Perry.Buckberg@nrc.gov.

Sincerely,

/RA Audrey L. 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-21-5147 Revision 0
and Ref CAW-21-5150 Revision 0
Westinghouse Electric Company
1000 Westinghouse Drive, Suite 165
Cranberry Township, PA 16066

Listserv

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