

April 12, 2002

Mr. Phillip W. Richardson
Licensing Product Manager
Westinghouse Electric Company
2000 Day Hill Road
Windsor, CT 06095

SUBJECT: REQUEST FOR WITHHOLDING FROM PUBLIC DISCLOSURE -
WATERFORD STEAM ELECTRIC STATION, UNIT 3 - SUMMARY OF THE
ANALYSES OF OTHER CHAPTER 15 EVENTS PERFORMED IN REGARDS
TO REPLACEMENT OF PART-LENGTH CONTROL ELEMENT ASSEMBLY
CHANGE REQUEST (TAC NO. MB2379)

Dear Mr. Richardson:

Entergy Operations, Inc. (EOI), the licensee for Waterford Steam Electric Station, Unit 3 (Waterford 3), submitted your January 15, 2002, affidavit which requested that information contained in the document, "Summary of Analyses of Other Chapter 15 Events," included as Attachment 2, to EOI letter dated January 17, 2002, "Replacement of Part-Length Control Element Assemblies," be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary copy of this document, which also was attached to EOI's letter, will be placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

6. Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC because:
 - a. A similar product or service is provided and sold by major competitors of WEC.
 - b. WEC invested substantial funds and engineering resources to develop this information. A competitor would have to incur similar expense and investment of resources to generate equivalent information.
 - c. The information consists of results of physics parameter assessments for the Waterford 3, Cycle 12 design, the application of which provides WEC a competitive economic advantage. The availability of such information to competitors would enable them to design their product to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar information in support of their processes, methods[,] or apparatus.
 - d. In pricing WEC's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other

costs and expenses must be included. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

- e. Use of the information by competitors in the international marketplace would increase their ability to market comparable services by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licenses.

The NRC has reviewed your affidavit and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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 our consultants working in this area. The NRC 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.

If you have any questions regarding this matter, I may be reached at 301-415-1480.

Sincerely,

/RA/

N. Kalyanam, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-382

cc: See next page

costs and expenses must be included. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

- f. Use of the information by competitors in the international marketplace would increase their ability to market comparable services by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licenses.

The NRC has reviewed your affidavit and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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 our consultants working in this area. The NRC 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.

If you have any questions regarding this matter, I may be reached at 301-415-1480.

Sincerely,

/RA/

N. Kalyanam, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-382

cc: See next page

DISTRIBUTION:

PUBLIC	PDIV-1 r/f	RidsNrrDlpmLpdiv (SRichards)
RidsNrrDlpmLpdiv1 (RGramm)	RidsNrrLADJohnson	RidsNrrPMNKalyanam
MPSiemien	RidsRgn4MailCenter (KBrockman)	

Accession No.: ML0001040006

*See previous concurrence

OFFICE	PDIV-1/PM	PDIV-1/LA	SRXB/BC	OGC	PDIV-1/SC
NAME	NKalyanam	DJohnson	JWermiel*	MPSiemien	WReckley for RGramm
DATE	04/04/02	04/04/02	03/18/02	04/11/02	04/12/02

OFFICIAL RECORD COPY

Waterford Generating Station 3

cc:

Mr. Michael E. Henry, Administrator
and State Liaison Officer
Department of Environmental Quality
P. O. Box 82135
Baton Rouge, LA 70884-2135

Vice President, Operations Support
Entergy Operations, Inc.
P. O. Box 31995
Jackson, MS 39286-1995

Director
Nuclear Safety Assurance
Entergy Operations, Inc.
17265 River Road
Killona, LA 70066-0751

Wise, Carter, Child & Caraway
P. O. Box 651
Jackson, MS 39205

General Manager Plant Operations
Waterford 3 SES
Entergy Operations, Inc.
17265 River Road
Killona, LA 70066-0751

Licensing Manager
Entergy Operations, Inc.
17265 River Road
Killona, LA 70066-0751

Winston & Strawn
1400 L Street, N.W.
Washington, DC 20005-3502

Resident Inspector/Waterford NPS
P. O. Box 822
Killona, LA 70066-0751

Regional Administrator, Region IV
U. S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76011

Parish President Council
St. Charles Parish
P. O. Box 302
Hahnville, LA 70057

Executive Vice-President
and Chief Operating Officer
Entergy Operations, Inc.
P. O. Box 31995
Jackson, MS 39286-1995

Chairman
Louisiana Public Services Commission
P.O. Box 91154
Baton Rouge, LA 70825-1697

Mr. Joseph E. Venable
Vice President Operations
Entergy Operations, Inc.
17265 River Road
Killona, LA 70066-0751