



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

September 21, 2015

Vice President, Operations
Entergy Nuclear Operations, Inc.
Palisades Nuclear Plant
27780 Blue Star Memorial Highway
Covert, MI 49043-9530

SUBJECT: PALISADES NUCLEAR PLANT – REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. MF4528)

Dear Sir or Madam:

By letter dated August 14, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15230A219), Entergy Nuclear Operations, Inc. (ENO) submitted an affidavit dated August 5, 2015, executed by Mr. James A. Gresham of Westinghouse Electric Company. The submittal provides a non-proprietary version of the reactor vessel materials certification reports that were provided in Attachment 3 of letter dated February 13, 2015 (ADAMS Accession No. ML15050A259). You requested 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:

- CPAL-15-13, Attachment 1, "Palisades Reactor Vessel Material Certification Reports" (Proprietary), as submitted as Attachment 2 to letter PNP 2015-063 dated August 14, 2015

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS.

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

- (iii) There are sound policy reasons behind the Westinghouse system which include the following:
 - (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
 - (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.

- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.
- (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
- (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.

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, Attachment 2 to Letter PNP 2015-063 from Mr. Anthony J. Vitale, Site Vice President dated August 15, 2015, "Supplemental Information for the Response to the First Request for Additional Information Regarding the License Amendment Request to Implement 10 CFR 50.61a (TAC No. MF4528), which supersedes Attachment 3 to Letter PNP 2015-004, dated February 13, 2015, "Response to Request for Additional Information Regarding the License Amendment Request to Implement 10 CFR 50.61a (TAC No. MF4528)," 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 document. 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 U.S. Nuclear Regulatory Commission (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, please contact me at Jennivine.Rankin@nrc.gov or (301) 415-1530.

Sincerely,

A handwritten signature in black ink, appearing to read "Jen Rankin", with a long horizontal flourish extending to the right.

Jennivine K. Rankin, Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-255

cc: Mr. James A. Gresham
Manager, Regulatory Compliance
Westinghouse Electric Company
1000 Westinghouse Drive
Building 3 Suite 310
Cranberry Township, Pennsylvania 16066

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If you have any questions, please contact me at Jennivine.Rankin@nrc.gov or (301) 415-1530.

Sincerely,

/RA/

Jennivine K. Rankin, Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-255

cc: Mr. James A. Gresham
Manager, Regulatory Compliance
Westinghouse Electric Company
1000 Westinghouse Drive
Building 3 Suite 310
Cranberry Township, Pennsylvania 16066

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