

June 29, 2000

Mr. James A. Baumstark
Vice President, Nuclear Engineering
Consolidated Edison Company
of New York, Inc.
Broadway and Bleakley Avenue
Buchanan, NY 10511

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NO. 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NO. MA6955)

Dear Mr. Baumstark:

In a letter dated April 13, 2000, you provided, in part, calculations to determine potential iodine release from engineered safeguards feature component leakage that were prepared by your contractor, Polestar Applied Technology, Inc. (Polestar) for the Indian Point Generating Unit No. 2. These calculations were provided in response to a request for additional information from the U.S. Nuclear Regulatory Commission staff. The NRC staff needed this information to continue its review of your application dated November 18, 1999, for an amendment to the Technical Specifications in support of the Pilot Program for Use of NUREG-1465, "Accident Source Terms for Light-Water Nuclear Power Plants." The April 13 letter also included an affidavit dated April 6, 2000, executed by David E. W. Leaver of Polestar, requesting that the calculations be withheld from public disclosure pursuant to 10 CFR 2.790. Because of this request, you included both proprietary and nonproprietary versions of the calculations as separate attachments with the April 13 letter. A copy of your letter that did not include the proprietary attachments has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

- (4)a. Information that discloses a process or method, including supporting data and analyses, where prevention of its use by Polestar's competitors without license from Polestar constitutes a competitive economic advantage over other companies.
- b. Information which, if used by a competitor, would significantly reduce his expenditure of resources or improve his competitive position in the analysis, design, assurance of quality, or licensing of a similar product.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(a)(4) 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, 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 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 301-415-1547.

Sincerely,

/RA/

Patrick D. Milano, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-247

cc: See next page

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