

October 24, 2000

Mr. A. Alan Blind
Vice President, Nuclear Power
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. MA9359)

Dear Mr. Blind:

In a letter dated August 22, 2000, as supplemented on October 3 and 15, 2000, Consolidated Edison Company of New York, Inc. (Con Edison) provided, in part, to the U.S. Nuclear Regulatory Commission (NRC) the cycle 15 calculated reactor physics parameters and the selected comparisons of the cycle 14 calculated core power distributions versus the cycle 14 flux maps for the Indian Point Nuclear Generating Unit No. 2 (Indian Point Unit 2). These calculations were provided as part of a proposed amendment to the Technical Specifications to allow on-line calibration of the rod position indicator (RPI) channels and to allow the use of extended RPI deviation limits. In addition, the October 3 and 15 letters provided supplemental information regarding the extended RPI deviation limits and on-line RPI channel calibration. The October 15 letter also provided an evaluation of the NODE-P2 code used in the analysis methodology.

The August 22 and October 3, letters included affidavits dated August 22 and October 3, 2000, executed by Mr. James A. Baumstark, requesting, as applicable, that the calculations and certain supplemental information be withheld from public disclosure pursuant to 10 CFR 2.790. The October 15 letter, included an affidavit dated October 15, 2000, executed by you, requesting that the evaluation of the NODE-P2 code and other supplemental information be withheld from public disclosure pursuant to 10 CFR 2.790. Because of these requests, you and Mr. Baumstark included both proprietary and nonproprietary versions of these documents as separate attachments with these letters. Copies of your letters that did not include the proprietary attachments have 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 affidavits stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The information reveals distinguishing aspects of a patented method. The use of such information by others without a license would constitute a loss to Con Edison of a competitive economic advantage over other nuclear utilities, and a direct loss of protected patent rights to Con Edison.

- (b) Use of such information by a competitor would reduce his expenditure of resources and improve his competitive position in licensing a similar product.

Therefore, 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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Patrick D. Milano, Sr. Project Manager, Section 1
 Project Directorate I
 Division of Licensing Project Management
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