

November 24, 2000

Mr. Henry A. Sepp, Manager  
Regulatory and Licensing Engineering  
Nuclear Service Division  
Westinghouse Electric Company  
Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NO. 2 - REQUEST FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
(TAC NO. MA5982)

Dear Mr. Sepp:

In a letter dated May 5, 1999, Consolidated Edison Company of New York, Inc. (Con Edison) submitted to the U.S. Nuclear Regulatory Commission (NRC) an application for a proposed amendment to the Technical Specifications (TSs) for the Indian Point Nuclear Generating Unit No. 2 to permit relaxation of test times and allowed outage times for the reactor protection and engineered safety features actuation instrumentation. In support of this application, Con Edison provided Attachment C, "Applicability of WCAP-14333 to Indian Point 2," and Attachment D, "WCAP-14333 Implementation: Tier 2 Requirements." The May 5 letter also included an affidavit dated February 15, 1999, executed by you, requesting that the information in Attachments C and D of the Con Edison application be withheld from public disclosure pursuant to 10 CFR 2.790. Because of this request, Con Edison included both proprietary and nonproprietary versions as separate attachments with the May 5 letter. A copy of the Con Edison 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:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.

- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

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

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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Patrick D. Milano, Sr. Project Manager, Section 1  
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Official Record Copy

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