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March 19, 2001

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Re: Proprietary Information in the FitzPatrick/Indian Point 3 License Transfer Applications

Dear Mssrs.,

At the March 13-14 hearing on the James A. FitzPatrick and Indian Point Unit 3 license transfers, Mr. Silberg asked the New York Power Authority's representatives to leave the hearing room during the discussion of Issue #3, involving proprietary information included in the license transfer applications. It appeared that the Power Authority's representatives were not privy to the Entergy companies' cost-and-revenue projections submitted with the applications, and that NYPA had not entered into a confidentiality agreement as CAN, its representatives and Mr. Smeloff had.

Prior to that point, it was CAN's understanding that NYPA was privy to all information in the license transfer applications, since NYPA and the Entergy companies both submitted the applications and retained counsel jointly. CAN had therefore included NYPA's representatives in the list of parties to be served with unredacted copies of CAN's filings on its revised contention. CAN had not been informed by the Entergy companies' representatives that NYPA representatives were not permitted to review unredacted filings containing proprietary information, nor specifically what information NYPA was not permitted to review.

If it is true that NYPA's representatives are not allowed to review the entire license transfer applications, the situation this circumstance creates is confounding to CAN.

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It would surely be anomalous that NYPA and Entergy would submit license transfer applications jointly without NYPA having any knowledge of critical portions of the applications. It is also confusing that NYPA and Entergy would jointly retain Shaw Pittman as counsel in this proceeding, when Entergy may feel the need to prevent NYPA from reviewing the entirety of the applications. Also, certain arrangements and assurances in the proposed transfers could be affected by an adversarial relationship between NYPA and Entergy, particularly the decommissioning arrangements. CAN requires that you clarify this matter as soon as possible.

Moreover, if NYPA and its representatives are not permitted access to the Entergy companies' proprietary information in the application, it was incumbent upon you to inform CAN that it was a mistake to serve NYPA's representatives with unredacted documents. If this is in fact the case, you must return any and all copies of CAN's unredacted filings and delete any digital copies you may have received as attachments to electronic mail messages. Furthermore, any and all copies you may have distributed to other NYPA representatives must also be returned to CAN (in the case of paper copies) or deleted (in the case of electronic versions).

Sincerely,

Timothy L. Judson
Citizens Awareness Network, Inc.

Cc: Douglas E. Levanway, Esq.
John M. Fulton, Esq.
Judge Charles Bechhoefer
Office of the Secretary, USNRC
Steven R. Hom, Esq.