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June 26, 2001

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Emile Julian

Re: Power Authority of the State of New York and Entergy Nuclear FitzPatrick LLC, Entergy Nuclear Indian Point 3 LLC, and Entergy Nuclear Operations, Inc. (James A. FitzPatrick Nuclear Power Plant and Indian Point Nuclear Generating Unit No. 3), Memorandum and Order, CLI-01-14 (June 21, 2001) – Request for Retrieval of Proprietary Information

Dear Secretary:

On June 21, 2001, the Commission served on various parties its Memorandum and Order, CLI-01-14, in Power Authority of the State of New York and Entergy Nuclear FitzPatrick LLC, Entergy Nuclear Indian Point 3 LLC, and Entergy Nuclear Operations, Inc. (James A. FitzPatrick Nuclear Power Plant and Indian Point Nuclear Generating Unit No. 3). According to the final paragraph of CLI-01-14, the Commission was withholding the public release of the Memorandum and Order to give the Applicants the opportunity to review it and to advise the Commission whether it included any proprietary information. Entergy Nuclear FitzPatrick LLC, Entergy Nuclear Indian Point 3 LLC, and Entergy Nuclear Operations, Inc. (the Entergy Applicants) have now completed this review and have requested that the Commission not release CLI-01-14 until their proprietary information concerns have been addressed.

Unfortunately, when the Commission served the Memorandum and Order on June 21, 2001, its service list inadvertently included two entities that had not entered into confidentiality agreements with the Entergy Applicants, i.e. Westchester County and the Power Authority of the State of New York. Upon realizing that the Commission's service list included parties that had not agreed to protect the Entergy Applicants' proprietary information, I called their representatives to inform them of the Commission's inadvertent disclosure and asked that they not publicly disseminate the electronic mail version of the Memorandum and Order and the hard copy when it was received. I subsequently requested both parties to delete the electronic version and to return or destroy the paper copies.

In order to assure that the copies of CLI-01-14 received by Westchester County and the Power Authority of the State of New York be retrieved or destroyed and that the Memorandum and Order not be released to parties which had not signed confidentiality agreements, we would respectfully ask the Commission to communicate directly with the County and the Power Authority to assure that they

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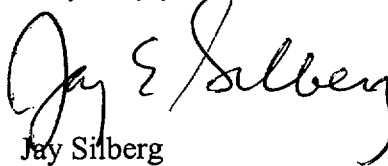
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have deleted, returned or destroyed the copies of CLI-01-14 that the Commission inadvertently released to them.

Thank you for your attention.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jay E. Silberg". The signature is fluid and cursive, with the first name "Jay" and last name "Silberg" clearly legible.

Jay Silberg
Counsel for the Entergy Applicants

cc: Service List
John Cordes, Esq.
Emile Julian

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