

October 16, 2001

Mr. Michael Kansler
Vice President and Chief Operating Officer
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

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

Dear Mr. Kansler:

The NRC is currently reviewing a petition dated December 4, 2000, pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.206, to take enforcement action against the licensee of Indian Point Nuclear Generating Unit No. 2 (IP2). While a proposed Director's Decision regarding this petition was issued on July 25, 2001, the petitioners requested and the Petition Review Board agreed to review additional information related to the petition. The additional information, originally submitted in the IP2 license transfer hearing by the petitioners, includes a report prepared by William D. Stinnett, Ph.D., dated October 29, 1997, condition report summaries from the IP2 corrective action program, and an evaluation of the contents of the condition report summaries by David Lochbaum of the Union of Concerned Scientists.

The review of petitions submitted under 10 CFR 2.206 is a public process, and as such, documents reviewed must be made publicly available. So as not to release information that is proprietary or sensitive, the NRC staff is requesting that Entergy Nuclear Operations, Inc. (the licensee) provide redacted versions of the material for public release. Redacted information must meet the withholding requirements of 10 CFR 2.790. To assist the licensee in this request, the NRC staff has pre-reviewed the documents intended to be made public and is offering a redacted version of the documents that the NRC staff believes contains sensitive information. Enclosure 1 contains the report prepared by Dr. William Stinnett. The NRC staff did not identify any proprietary or sensitive information in this document and proposes to release it in its current form. Enclosure 2 contains an un-redacted version of those condition reports referenced in the David Lochbaum evaluation. Additional condition report summaries are also on the page, but will not be included in the NRC staff review. Enclosure 3 is a proposed redacted version of the Enclosure 2, removing the information deemed sensitive by the NRC staff. Enclosure 4 is the evaluation of the condition report summaries by David Lochbaum. The NRC staff did not identify any proprietary or sensitive information in this document and proposes to release it in its current form. The NRC staff requests that the licensee review the attachments to this letter and provide their comments to the proposed redaction of the documents .

You should understand that withholding information from public disclosure 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 the information to our consultants working in this area.

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

M. Kansler

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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 such 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 301-415-1055.

Sincerely,

/RA/

Christopher Gratton, Petition Manager
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-247

Enclosures:

1. "Con Ed Indian Point II Human Performance Improvement Plan," prepared by William D. Stinnet, Ph.D. (10/29/97)
2. IP2 Condition Reports (non-public)
3. IP2 Condition Reports (public)
4. Analysis of IP2 Condition Reports by David Lochbaum, Union of Concerned Scientists (4/17/01)

cc w/encls: See next page

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Christopher Gratton, Petition Manager
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**CON ED INDIAN POINT II
HUMAN PERFORMANCE IMPROVEMENT
PLAN**

Enclosure 1

IP2 CONDITION REPORTS
(NON-PUBLIC)

Enclosure 2

IP2 CONDITION REPORTS

(PUBLIC)

Enclosure 3

**ANALYSIS OF IP2 CONDITION REPORTS BY
DAVID LOCHESCU, UNIT 4 OF 700 CONCERNED**

Enclosure 4