

August 15, 2002

Mr. J. S. Galembush
Acting Manager, Regulatory
and Licensing Engineering
Westinghouse Electric Company
P. O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
REGARDING INDIAN POINT NUCLEAR GENERATING UNIT NO. 2
(TAC NO. MB5572)

Dear Mr. Galembush:

By your application and affidavit dated June 27, 2002, you submitted Westinghouse Electric Company Report WCAP-15902-P, Revision 0, "Conditional Extension of the Rod Misalignment Technical Specification for Indian Point Unit 2," and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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.
- (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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that 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(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

J. Galembush

- 2 -

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 301-415-1457.

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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*See previous concurrence

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Indian Point Nuclear Generating Station
Unit 2

Mr. Jerry Yelverton
Chief Executive Officer
Entergy Operations
1340 Echelon Parkway
Jackson, MS 39213

Mr. Fred Dacimo
Vice President - Operations
Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Units 1 & 2
295 Broadway, Suite 1
P.O. Box 249
Buchanan, NY 10511-0249

Mr. Robert J. Barrett
Vice President - Operations
Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Units 3
295 Broadway, Suite 3
P.O. Box 308
Buchanan, NY 10511-0308

Mr. Dan Pace
Vice President Engineering
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. James Knubel
Vice President Operations Support
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. Lawrence G. Temple
General Manager Operations
Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Unit 2
295 Broadway, Suite 1
P.O. Box 249
Buchanan, NY 10511-0249

Mr. John Kelly
Director of Licensing
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Ms. Charlene Fiason
Manager, Licensing
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. John McCann
Manager, Nuclear Safety and Licensing
Indian Point Nuclear Generating Unit 2
295 Broadway, Suite 1
P. O. Box 249
Buchanan, NY 10511-0249

Mr. Harry P. Salmon, Jr.
Director of Oversight
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. John M. Fulton
Assistant General Counsel
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. Thomas Walsh
Secretary - NFSC
Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Unit 2
295 Broadway, Suite 1
P. O. Box 249
Buchanan, NY 10511-0249

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Senior Resident Inspector, Indian Point 2
U. S. Nuclear Regulatory Commission
295 Broadway, Suite 1
P.O. Box 38
Buchanan, NY 10511-0038

Indian Point Nuclear Generating Station
Unit 2

Mr. William M. Flynn, President
New York State Energy, Research, and
Development Authority
Corporate Plaza West
286 Washington Avenue Extension
Albany, NY 12203-6399

Mr. J. Spath, Program Director
New York State Energy, Research, and
Development Authority
Corporate Plaza West
286 Washington Avenue Extension
Albany, NY 12203-6399

Mr. Paul Eddy
Electric Division
New York State Department
of Public Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223

Mr. Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

Mayor, Village of Buchanan
236 Tate Avenue
Buchanan, NY 10511

Mr. Ray Albanese
Executive Chair
Four County Nuclear Safety Committee
Westchester County Fire Training Center
4 Dana Road
Valhalla, NY 10592

Ms. Stacey Lousteau
Treasury Department
Entergy Services, Inc.
639 Loyola Avenue
Mail Stop: L-ENT-15E
New Orleans, LA 70113

Alex Matthiessen
Executive Director
Riverkeeper, Inc.
25 Wing & Wing
Garrison, NY 10524

Paul Leventhal
The Nuclear Control Institute
1000 Connecticut Avenue NW
Suite 410
Washington, DC, 20036

Karl Copeland
Pace Environmental Litigation Clinic
78 No. Broadway
White Plains, NY 10603

Jim Riccio
Greenpeace
702 H Street, NW
Suite 300
Washington, DC 20001