

January 30, 2003

Mr. H. A. Sepp  
Manager, Regulatory and  
Licensing Engineering  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY, REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE FOR INDIAN POINT NUCLEAR  
GENERATING UNIT NO. 2 (TAC NO. MB6950)

Dear Mr. Sepp:

By letter dated December 12, 2002, Entergy Nuclear Operations, Inc., (the licensee) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) to increase the licensed thermal power for the Indian Point Nuclear Generating Unit No. 2 (IP2). In its December 12 letter, the licensee included your letter to the NRC dated November 15, 2002, submitting an affidavit executed by you on November 14, 2002, requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

Westinghouse Report WCAP-15904-P, Revision 0, "Power Calorimetric Uncertainty for the 1.4-Percent Uprating of Indian Point 2," dated November 2002.

A nonproprietary copy of this document, WCAP-15940-NP (with same title), has been placed in the 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.

H. A. Sepp

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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, Senior 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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