



Entergy Nuclear Northeast
Indian Point Energy Center
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Fred Dacimo
Vice President, Operations

January 29, 2004

Re: Indian Point Unit No. 2
Docket No. 50-247
NL-04-005

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

SUBJECT: **Proposed Changes to Technical Specifications:
Stretch Power Uprate Increase of Licensed Thermal Power (3.26%)**

- References:
1. NRC Regulatory Issue Summary (RIS) 2002-03, "Guidance on the Content of Measurement Uncertainty Recapture Power Uprate Applications," dated January 31, 2002.
 2. Westinghouse WCAP -10263, "A Review Plan for Uprating the Licensed Power of a Pressurized Water Reactor Power Plant," dated January 1993
 3. NRC Draft Review Standard (RS)-001, "Draft Review Standard for Extended Power Uprates"

Dear Sir:

Pursuant to 10 CFR 50.90, Entergy Nuclear Operations, Inc. (Entergy) hereby requests an amendment to the Operating License for Indian Point Nuclear Generating Unit No. 2 (IP2), to increase the maximum authorized reactor core power level from 3114.4 MWt to 3216 MWt.

The proposed nominal increase of 3.26% in rated thermal power is based on analyses contained in Attachment III (WCAP-16157-P). Six copies of the proprietary version and two copies of the nonproprietary version of the WCAP are being provided. The proposed changes have been evaluated in accordance with 10 CFR 50.91 (a)(1) using the criteria of 10 CFR 50.92 (c) and Entergy has determined that this proposed change involves no significant hazards considerations (Attachment I). The proposed change to the Facility Operating License and changes to the current Technical Specification and Bases pages are provided in Attachment II. The evaluation of the proposed increase in rated thermal power has been performed following the guidance of References 1 and 2. Although Reference 3 addresses power uprate requests greater than that being requested for IP2, Entergy has reviewed the guidance of Reference 3 to identify additional information that is being provided in selected areas to support NRC evaluation and approval of this request.

Also provided, as Enclosure A, is Westinghouse authorization letter dated January 27, 2004 (CAW-04-1778), with the accompanying affidavit, Proprietary Information Notice, and Copyright


AP01

Notice. As Attachment III contains information proprietary to Westinghouse Electric Company, it is supported by an affidavit signed by Westinghouse, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of Section 2.790 of the Commission's regulations. Accordingly, it is respectfully requested that the information that is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR 2.790 of the Commission's regulations. The non-proprietary version of the WCAP is provided as Enclosure B.

Correspondence with respect to the copyright on proprietary aspects of the items listed above or the supporting affidavit should reference CAW-04-1778 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, P. O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Entergy requests approval of the proposed amendment in October 2004 to support implementation activities and operation at the new power level following completion of the 2R16 refueling outage in early November. There are no new commitments identified in this submittal. If you have any questions or require additional information, please contact Mr. Kevin Kingsley at 914-734-6695.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 1/29/04.

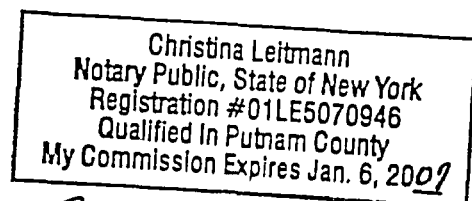
Sincerely,

Fred R. Dacimo
Vice President, Operations
Indian Point Energy Center

Attachments:

- I. Analysis of Proposed Technical Specification Changes
- II. Proposed Technical Specification and Bases Changes (markup)
- III. Indian Point Nuclear Generating Unit No. 2 Stretch Power Uprate NSSS and BOP Licensing Report, WCAP-16157-P, Dated January 2004

cc: Mr. Patrick D. Milano, Senior Project Manager
Project Directorate I,
Division of Reactor Projects I/II
U.S. Nuclear Regulatory Commission
Mail Stop O 8 C2
Washington, DC 20555

Mr. Hubert J. Miller (w/o prop. encl)
Regional Administrator
Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406



 1/29/04

Resident Inspector's Office (w/o prop. encl)
Indian Point Unit 2
U.S. Nuclear Regulatory Commission
P.O. Box 38
Buchanan, NY 10511

Mr. William M. Flynn (w/o prop. encl)
New York State Energy, Research and
Development Authority
Corporate Plaza West
286 Washington Avenue Extension
Albany, NY 12203-6399

Mr. Paul Eddy (w/o prop. encl)
New York State Dept. of Public Service
3 Empire Plaza
Albany, NY 12223



Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

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e-mail: greshaja@westinghouse.com

Our ref: CAW-04-1778

January 27, 2004

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: WCAP-16157-P, "Indian Point Nuclear Generating Unit No. 2 Stretch Power Uprate NSSS and BOP Licensing Report" (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-04-1778 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.790 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by Entergy Nuclear Northeast.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-04-1778, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. A. Gresham', written over a horizontal line.

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Enclosures

cc: D. Holland
B. Benney
E. Peyton

bcc: J. A. Gresham (ECE 4-7A) 1L
R. Bastien, 1L, 1A (Nivelles, Belgium)
C. Brinkman, 1L, 1A (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)
RCPL Administrative Aide (ECE 4-7A) 1L, 1A (letter and affidavit only)
S. Ira (WM F2D7) 1L, 1A
R. Laubham (ECE-419F) 1L, 1A
T. Timmons (ECE-406F) 1L, 1A
T. Gerlowski (ECE-413C) 1L, 1A
J. Stukus (ECE-419G) 1L, 1A
D. Morris (ENN) 1L, 1A
C. Jackson (ENN 1L, 1A
K. Kingsley (ENN) 1L, 1A
W. Wittich (ENN) 1L, 1A
J. Curry (ENN) 1L, 1A
J. Jawor (ENN) 1L, 1A

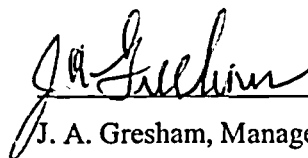
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

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COUNTY OF ALLEGHENY:

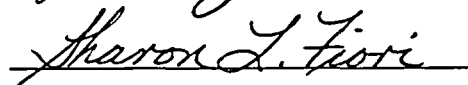
Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



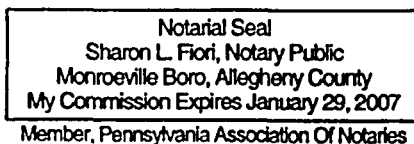
J. A. Gresham, Manager

Regulatory Compliance and Plant Licensing

Sworn to and subscribed
before me this 27th day
of January, 2004



Notary Public



- (1) I am Manager, Regulatory Compliance and Plant Licensing, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.790 of the Commission's regulations and in conjunction with the Westinghouse "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.790 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
 - (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (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.

- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (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.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Westinghouse system which include the following:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component

may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.

- (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.790, it is to be received in confidence by the Commission.
- (iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in WCAP-16157-P, "Indian Point Nuclear Generating Unit No. 2 Stretch Power Uprate NSSS and BOP Licensing Report" (Proprietary) dated January 2004, being transmitted by the Entergy Nuclear Northeast letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse for the Indian Point Nuclear Generating Unit No. 2 is expected to be applicable for other licensee submittals in response to certain NRC requirements for justification of Stretch Power Uprate License Amendment Request.

This information is part of that which will enable Westinghouse to:

- (a) Provide information in support of plant power uprate licensing submittals.
- (b) Provide plant specific calculations.

- (c) Provide licensing documentation support for customer submittals.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of meeting NRC requirements for licensing documentation associated with power uprate licensing submittals.
- (b) Westinghouse can sell support and defense of the technology to its customers in the licensing process.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar calculations, evaluations, analyses and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

Further the deponent sayeth not.

Entergy Nuclear Northeast

Letter for Transmittal to the NRC

The following paragraphs should be included in your letter to the NRC:

Enclosed are:

1. 6 copies of WCAP-16157-P, "Indian Point Nuclear Generating Unit No. 2 Stretch Power Upate NSSS and BOP Licensing Report" (Proprietary)
2. 2 copies of WCAP-16157-NP, "Indian Point Nuclear Generating Unit No. 2 Stretch Power Upate NSSS and BOP Licensing Report" (Nonproprietary)

Also enclosed is Westinghouse authorization letter CAW-04-1778, accompanying affidavit, Proprietary Information Notice, and Copyright Notice.

As Item 1 contains information proprietary to Westinghouse Electric Company LLC, it is supported by an affidavit signed by Westinghouse, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b) (4) of Section 2.790 of the Commission's regulations.

Accordingly, it is respectfully requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.790 of the Commission's regulations.

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse Affidavit should reference CAW-04-1778 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.