

March 23, 2005

Mr. David E. W. Leaver  
Principal Officer  
Polestar Applied Technology, Inc.  
One First Street, Suite 4  
Los Altos, CA 94022

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NO. 3 (IP3) - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR INDIAN POINT NUCLEAR GENERATING UNIT NO. 3 (TAC NO. MC3351)

Dear Mr. Leaver:

By letter dated December 22, 2004, Entergy Nuclear Operations, Inc., (the licensee) submitted a response to a request for additional information (RAI) from the Nuclear Regulatory Commission (NRC) for IP3. The NRC staff requested the information in order to complete its review of the licensee's application for an amendment regarding implementation of alternate source terms. In its December 22 letter, the licensee included an affidavit dated November 5, 2004, executed by you requesting that the following document containing proprietary information of Polestar Applied Technology, Inc. (Polestar) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

Polestar-prepared calculation, PSAT 3056CT.QA.04, "Calculation of Indian Point 3 Engineered Safety Feature Component Leakage Iodine Release with Boundary Layer Effect, Rev. 1."

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. Information that discloses a process, or method, including supporting data and analyses, where prevention of its use by Polestar's competitors without license from Polestar constitutes a competitive economic advantage over other companies; and
- b. Information which, if used by a competitor, would significantly reduce his expenditure of resources or improve his competitive position in the analysis, design, assurance of quality, or licensing of a similar product.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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, Polestar-prepared calculation, PSAT 3056CT.QA.04, "Calculation of Indian Point 3 Engineered Safety Feature Component Leakage Iodine Release with Boundary Layer Effect, Rev. 1," marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

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. 50-286

cc: See next page

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Indian Point Nuclear Generating Unit No. 3

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