



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 6, 1994

Docket No. 50-247

Mr. Stephen B. Bram
Vice President, Nuclear Power
Consolidated Edison Company
of New York, Inc.
Broadway and Bleakley Avenue
Buchanan, New York 10511

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., INDIAN POINT NUCLEAR
GENERATING UNIT NO. 2 (TAC NO. M89650)

By letter dated June 1, 1994, Consolidated Edison Company of New York, Inc. (Con Edison) submitted a Technical Specification amendment request to allow extended Rod Position Indication (RPI) deviation limits and on-line calibration of the RPI channels. Documents supporting the request included: Report No. NET-085-02-P, Revision 1, Extended RPI Deviation Limits and On-Line Calibration of the RPI Channels for Indian Point Unit No. 2, April 1994. An accompanying Consolidated Edison affidavit, NET-085-02, dated June 1, 1994, requested that the report be withheld from public disclosure and provided information to support this request. A nonproprietary version of the report was included in the submittal.

The Consolidated Edison affidavit stated that public disclosure of the information is likely to cause substantial harm to the competitive position of Consolidated Edison because:

- (a) The information reveals distinguishing aspects of a patented method. The use of such information by others without a license would constitute a loss to Con Edison of a competitive economic advantage over other nuclear utilities, and a direct loss of protected patent rights to Con Edison.
- (b) Use of such information by a competitor would reduce his expenditure of resources and improve his competitive position in licensing a similar product.

We have reviewed your application and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of Consolidated Edison's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary information.

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.

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Mr. Stephen B. Bram

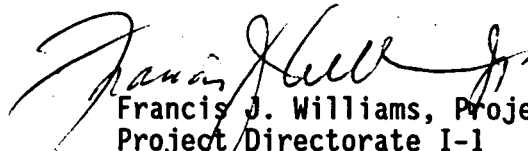
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Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will 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 should also understand that the NRC may have cause to review this determination in the future, such as, 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.

Sincerely,

A handwritten signature in dark ink, appearing to read "Francis J. Williams", is written over the typed name and title.

Francis J. Williams, Project Manager
Project Directorate I-1
Division of Reactor Projects
Office of Nuclear Reactor Regulation

cc: See next page

Mr. Stephen B. Bram
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cc:

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Indian Point Nuclear Generating
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Regional Administrator, Region I
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475 Allendale Road
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Mr. Stephen B. Bram

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July 6, 1994

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Sincerely,

Original signed by:

Francis J. Williams, Project Manager
Project Directorate I-1
Division of Reactor Projects
Office of Nuclear Reactor Regulation

cc: See next page

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