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J. E. Pollock
Site Vice President
Administration

NL-11-052

July 28, 2011

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Mail Station O-P1-17
Washington, DC 20555-0001

Subject: **Indian Point Nuclear Power Plant Units 2 and 3
Response to Request for Additional Information Regarding the Inter-Unit
Spent Fuel Transfer License Amendment Request (TAC Nos. ME1671,
ME1672, and L24299)**
Indian Point Units 2 & 3
Docket Nos. 50-247 and 50-286
License Nos. DPR-26 and DPR-64

References:

- 1) NRC letter to Indian Point Vice President of Operations, 03/16/11, "Indian Point Nuclear Generating Unit Nos. 2 and 3 – Request for Additional Information Regarding Amendment Application for Inter-Unit Spent Fuel Transfer (TAC Nos. ME1671, ME1672, and L24299)"
- 2) Entergy letter NL-09-076, 07/08/09, "Indian Point Nuclear Power Plant Units 2 and 3 - Application for Unit 2 Operating License Condition Change and Units 2 and 3 Technical Specification Changes to Add Inter-Unit Spent Fuel Transfer Requirements"
- 3) Entergy letter NL-09-100, 09/28/09, "Indian Point Nuclear Power Plant Units 2 and 3 – Response to Request for Supplemental Information Regarding the Spent Fuel Transfer License Amendment Request (TAC Nos. ME1671, ME1672, and L24299)"
- 4) Entergy letter NL-10-093, 10/05/10, "Indian Point Nuclear Power Plant Units 2 and 3 – Response to Request for Additional Information Regarding the Inter-Unit Spent Fuel Transfer License Amendment Request (TAC Nos. ME1671, ME1672, and L24299)"

Dear Sir or Madam:

This letter provides Entergy Nuclear Operations, Inc (Entergy) response to the NRC Request for Additional Information (RAI) (Reference 1) regarding the Entergy license amendment requests concerning inter-unit transfer of fuel (Reference 2), the supplement to the amendment request (Reference 3), and the response to previous RAIs (Reference 4).

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WRK

The RAI responses (Attachment 1) together with the revised Holtec Licensing Report (Enclosure 1) provide the regulatory basis for this license amendment request.

The associated Operating License changes are presented in Attachment 2 and markups of the Operating Licenses are provided in Attachments 3 and 4. The proposed IP2 Appendix C TS and TS Bases are provided in Attachments 5 and 6 respectively and likewise in Attachments 7 and 8 for IP3. The TS Bases are provided for information only. A proposed revision to the IP3 Appendix A TS is provided in Attachment 9.

This submittal includes a complete revision to the licensing report (HI-2094289, Enclosure 1), which integrates the RAI responses, supporting calculations and supporting documentation, and provides the regulatory basis for this submittal. Enclosure 2 contains Holtec International supporting reports and evaluations.

The additional supporting information provided in this submittal does not alter the conclusion that this proposed activity does not constitute a significant hazard, as documented in Reference 2. A revised no significant hazard determination is included in Attachments 10 and 11 for Indian Point Units 2 and 3, respectively.

In accordance with 10 CFR 50.91, a copy of this submittal, with non proprietary attachments, is being provided to the designated New York State official.

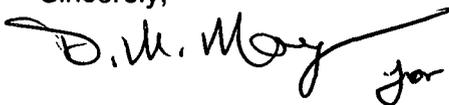
This submittal includes information deemed proprietary by an entity that is providing support to Entergy on this project. As such, in Enclosure 3, a 10 CFR 2.390 affidavit has been executed by the owner of the information. A non proprietary version of this submittal will be provided by August 18, 2011.

There are no new regulatory commitments made in this submittal; however, for completeness, the commitments made in References 2 and 3 are repeated here in Attachment 12.

If you have any questions or require additional information, please contact Mr. Robert Walpole, Licensing Manager at 914-734-6710.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on 7.28.11.

Sincerely,

 for J.P. Koch

JEP/rw

Attachments and Enclosures:

- Attachment 1:** Response to Request for Additional Information (Holtec Proprietary)
- Attachment 2:** Proposed Operating License Changes
- Attachment 3:** Marked-up IP2 Operating License Pertaining to Inter-Unit Fuel Transfer
- Attachment 4:** Marked-up IP3 Operating License Pertaining to Inter-Unit Fuel Transfer
- Attachment 5:** Indian Point Unit 2 - Appendix C to the Operating License Inter-Unit Fuel Transfer Technical Specifications
- Attachment 6:** Indian Point Unit 2 - Appendix C to the Operating License Inter-Unit Fuel Transfer Technical Specifications Bases
- Attachment 7:** Indian Point Unit 3 - Appendix C to the Operating License Inter-Unit Fuel Transfer Technical Specifications
- Attachment 8:** Indian Point Unit 3 - Appendix C to the Operating License Inter-Unit Fuel Transfer Technical Specifications Bases
- Attachment 9:** Indian Point Unit 3 - Proposed revision to Appendix A TS
- Attachment 10:** No Significant Hazards Consideration for Indian Point Unit 2 Pertaining to Inter-Unit Fuel Transfer
- Attachment 11:** No Significant Hazards Consideration for Indian Point Unit 3 Pertaining to Inter-Unit Fuel Transfer
- Attachment 12:** Commitments Pertaining to Inter-Unit Fuel Transfer

- Enclosure 1:** Holtec International Licensing Report HI-2094289, Revision 4 (Holtec Proprietary)
- Enclosure 2:** Holtec International Supporting Reports and Evaluations (Holtec Proprietary)
- Enclosure 3:** Affidavit executed pursuant to 10 CFR 2.390 governing the proprietary information included in the Holtec reports and evaluations

cc: NRC Resident Inspector's Office
Mr. John Boska, Senior Project Manager, NRC NRR DORL
Mr. William M. Dean, Regional Administrator, NRC Region 1
Mr. Francis J. Murray Jr., President and CEO, NYSERDA (w/o proprietary information)
Mr. Paul Eddy, New York State Dept. of Public Service (w/o proprietary information)

ENCLOSURE 3 TO NL-11-052

Affidavit executed pursuant to 10 CFR 2.390 governing the proprietary information included in the Holtec reports and evaluations.

Entergy Nuclear Operations, Inc.
Indian Point Units 2 and 3
Docket Nos. 50-247 and 50-286



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July 26, 2011

Mr. Roger Waters
Licensing
Indian Point Energy Center
450 Broadway
GSB Second Floor Licensing
Buchanan, NY 10511-0249

Document ID: 1775037

Subject: Information to Support Licensing Submittal on Inter-Unit Fuel Transfer

Dear Mr. Waters:

Holtec is pleased to approve the release of the following information to the United States Nuclear Regulatory Commission (USNRC):

- Attachment A - HI-2094289R4, "Licensing Report for the Inter Unit Fuel Transfer"
(Proprietary)
- Attachment B - Responses to NRC RAI dated 3/16/2011 (Proprietary)
- Attachment C - HI-2084109R7, "Shielded Transfer Canister Shielding Calculation"
(Proprietary)
- Attachment D- HI-2084118R4, "Shielded Transfer Canister Structural Calculation"
(Proprietary)
- Attachment E- HI-2084176R5, "Shielded Transfer Canister Criticality Calculation"
(Proprietary)
- Attachment F- HI-2084146R7, "Shielded Transfer Canister Thermal Calculation".
(Proprietary)

We require that you include this letter along with the attached affidavit pursuant to 10CFR2.390 when submitting Attachment 1 to the USNRC.



Holtec Center, 555 Lincoln Drive West, Marlton, NJ 08053

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The responses to NRC questions have been authored and reviewed by the following individuals:

Response Number	Author	Reviewer
1-1	Tammy Morin for TSM <i>Tammy Morin</i>	Veena Gubbi <i>Veena Gubbi</i>
1-2	Veena Gubbi <i>Veena Gubbi</i>	Tammy Morin for TSM <i>Tammy Morin</i>
Chapter 4	Stefan Anton for SA <i>Veena Gubbi</i>	Tao He <i>Tao He</i>
Chapter 5	Abran Mohammed <i>Abran Mohammed</i>	John Lin <i>John Lin</i>
6-1	Chuck Bullard <i>Chuck Bullard</i>	John Griffiths <i>John Griffiths</i>
Chapter 7	Kaushik Banerjee <i>Kaushik Banerjee</i>	Lysa Sevastyuk for LS <i>Veena Gubbi</i>
Chapter 8	John Griffiths <i>John Griffiths</i>	Tammy Morin for TSM <i>Tammy Morin</i>
Chapter 10	John Griffiths <i>John Griffiths</i>	Tammy Morin for TSM <i>Tammy Morin</i>
Technical Specification	Tammy Morin for TSM <i>Tammy Morin</i>	Veena Gubbi <i>Veena Gubbi</i>

Please do not hesitate to contact me at 856-797-0900 x 3703 if you have any questions.

Sincerely,

Veena Gubbi

Veena Gubbi
Adjunct Project Manager
Holtec International

AFFIDAVIT PURSUANT TO 10 CFR 2.390

I, Debabrata Mitra Majumdar, being duly sworn, depose and state as follows:

- (1) I have reviewed the information described in paragraph (2) which is sought to be withheld, and am authorized to apply for its withholding.
- (2) The information sought to be withheld are all the Holtec reports and documents contained in the Attachments to Holtec letter Document ID 1775037, containing Holtec Proprietary information.
- (3) In making this application for withholding of proprietary information of which it is the owner, Holtec International relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4) and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10CFR Part 9.17(a)(4), 2.390(a)(4), and 2.390(b)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).

AFFIDAVIT PURSUANT TO 10 CFR 2.390

- (4) Some examples of categories of information which fit into the definition of proprietary information are:
- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies;
 - b. Information which, if used 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 of a similar product.
 - c. Information which reveals cost or price information, production, capacities, budget levels, or commercial strategies of Holtec International, its customers, or its suppliers;
 - d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
 - e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs 4.a, and 4.b above.

- (5) The information sought to be withheld is being submitted to the NRC in confidence. The information (including that compiled from many sources) is of a sort customarily held in confidence by Holtec International, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by Holtec International. No public disclosure has been made, and it is not available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have

AFFIDAVIT PURSUANT TO 10 CFR 2.390

been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.

- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within Holtec International is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist or other equivalent authority, by the manager of the cognizant marketing function (or his designee), and by the Legal Operation, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside Holtec International are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information classified as proprietary was developed and compiled by Holtec International at a significant cost to Holtec International. This information is classified as proprietary because it contains detailed descriptions of analytical approaches and methodologies not available elsewhere. This information would provide other parties, including competitors, with information from Holtec International's technical database and the results of evaluations performed by Holtec International. A substantial effort has been expended by Holtec International to develop this information. Release of this information would improve a competitor's position because it would enable Holtec's competitor to copy our technology and offer it for sale in competition with our company, causing us financial injury.

AFFIDAVIT PURSUANT TO 10 CFR 2.390

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to Holtec International's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of Holtec International's comprehensive spent fuel storage technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology, and includes development of the expertise to determine and apply the appropriate evaluation process.

The research, development, engineering, and analytical costs comprise a substantial investment of time and money by Holtec International.

The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial.

Holtec International's competitive advantage will be lost if its competitors are able to use the results of the Holtec International experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to Holtec International would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive Holtec International of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing these very valuable analytical tools.

