

United States Nuclear Regulatory Commission Official Hearing Exhibit

In the Matter of: Entergy Nuclear Operations, Inc.
(Indian Point Nuclear Generating Units 2 and 3)

ASLBP #: 07-858-03-LR-BD01
Docket #: 05000247 | 05000286
Exhibit #: NYS000311-00-BD01
Admitted: 10/15/2012
Rejected:
Other:

Identified: 10/15/2012
Withdrawn:
Stricken:

NYS000311

Submitted: December 22, 2011



Entergy®

Entergy Nuclear Northeast
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

Robert Walpole
Licensing Manager
Tel 914 734 6710

September 24, 2009

NL-09-130

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

SUBJECT: Response to Request for Additional Information Regarding Relief Request
09 For Fourth Ten-Year Inservice Inspection Interval (TAC No. ME1658)
Indian Point Unit Number 2
Docket No. 50-247
License No. DPR-26

- REFERENCE:
1. Entergy Letter NL-09-090 Regarding Relief Request 08 and 09 For Fourth Ten-Year Inservice Inspection Interval dated July 1, 2009.
 2. Indian Point Nuclear Generating Unit No.2 -Request for Additional Information Regarding Relief Request RR-09 (TAC NO. ME1658), dated August 12, 2009


Dear Sir or Madam:

Entergy Nuclear Operations, Inc. (Entergy) submitted Relief Request No. 09 (RR-09) for Indian Point Unit No. 2 (IP2) in Reference 1. The NRC requested additional information in Reference 2. This letter responds to that request for additional information. The request and response are contained in Attachment 1. Four enclosures are also attached. Enclosures 1 and 3 are the Westinghouse Applications for Withholding Proprietary Information from Public Disclosure, accompanying Affidavits CAW-09-2679 and CAW-09-2680, Proprietary Information Notices, and Copyright Notices. The affidavits set 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 2.390 of the Commission's regulations. Accordingly, it is respectfully requested that the information in Enclosures 2 and 4, which are proprietary to Westinghouse, be withheld from public disclosure in accordance with 10 CFR 2.390 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-09-2679 or CAW-09-2680 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.

A047
NRR

There are no new commitments identified in this submittal. If you have any questions or require additional information, please contact Mr. Robert Walpole, Licensing Manager.

Very truly yours,



RW/sp
cc on next page

- Attachment : 1. Response to Request for Additional Information Regarding Relief Request 09
- Enclosures 1. Affidavit for Withholding Proprietary Information in Enclosure 2 from Public Disclosure
2. Westinghouse letter IPP-05-79 to Entergy, Relaxation Request from NRC Order EA-03-009, December 8, 2008 - Proprietary
3. Affidavit for Withholding Proprietary Information in Enclosure 4 from Public Disclosure
4. Dominion Engineering Calculation C-8724-00-01, Rev 0, Indian Point 2 CRDM Stress Analysis - Proprietary

cc: Mr. John P. Boska, Senior Project Manager, NRC NRR DORL
Mr. Samuel J. Collins, Regional Administrator, NRC Region I
NRC Resident Inspector's Office Indian Point
Mr. Paul Eddy, New York State Department of Public Service
Mr. Francis J. Murray, Jr., President and CEO, NYSERDA

Attachment 1 to NL-09-130

**RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION REGARDING
RELIEF REQUEST 09**

ENTERGY NUCLEAR OPERATIONS, INC.
INDIAN POINT NUCLEAR GENERATING UNIT NO. 2
DOCKET NO. 50-247

Response to Request for Additional Information Regarding Relief Request (RR)-09

By letter dated July 1, 2009, Accession No. ML091950333, Entergy Nuclear Operations, Inc. (Entergy) submitted relief request (RR)-09 for Nuclear Regulatory Commission (NRC) review and approval. The request was to implement an alternative to the requirements of 10 CFR 50 paragraph 55a(g)(6)(ii)(D)(3) regarding inservice inspection (ISI) of the reactor vessel upper head nozzles at Indian Point 2. NRC staff questions on that submittal and Entergy Responses are as follows:

Question 1

Please provide your flaw analysis including your assumptions, specific methodology and results of the stress analysis performed for the subject nozzles, or provide references to previously submitted documents which contain the above information relevant to this submittal.

Response

Entergy previously submitted a relaxation request, Reference 1, for inspection of the Reactor Vessel Head in response to NRC first revised order EA-03-009. That submittal referenced as its bases a Westinghouse report formally sent to Entergy in Reference 2. The relaxation was granted in Reference 3.

The Westinghouse report in Reference 2 is attached as enclosure 2 to this letter. The calculation, Reference 4, referred to as reference 1 of the Westinghouse report is attached as enclosure 4 to this letter. These enclosures provide the flaw analysis including assumptions, specific methodology and results of the stress analysis performed for the nozzles subject to the relaxation request and this relief request. These documents are proprietary and affidavits requesting that they be withheld from public disclosure are in Enclosures 1 and 3.

References

1. Entergy Letter NL-05-136, to NRC regarding NRC First Revised Order EA-03-009: Relaxation Request for Inspection of IP2 Reactor Pressure Vessel Head, dated December 1, 2005.
2. Westinghouse letter IPP-05-79 to Entergy, Relaxation Request from NRC Order EA-03-009, December 8, 2008.
3. NRC Letter to Entergy regarding Relaxation of First Revised Order on Reactor Vessel Nozzles, Indian Point Nuclear Generating Unit No. 2 (TAC No. MC9230).
4. Dominion Engineering Calculation C-8724-00-01, Rev 0, Indian Point 2 CRDM Stress Analysis,

Question 2

Discuss if the crack growth evaluation was based on the as-built weld geometry.

Response

The finite element analyses prepared for Reference 4, above, used the Combustion Engineering drawings which included the as built configuration. However, the as-built dimensions and minor repairs of individual nozzle penetrations were not considered. See Section 3 of Reference 4.

Enclosure 1 to NL-09-130

AFFIDAVIT FOR WITHHOLDING PROPRIETARY INFORMATION IN

ENCLOSURE 2 FROM PUBLIC DISCLOSURE

ENTERGY NUCLEAR OPERATIONS, INC.
INDIAN POINT NUCLEAR GENERATING UNIT NO. 2
DOCKET NO. 50-247



Westinghouse

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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Direct fax: (412) 374-3846
e-mail: greshaja@westinghouse.com

CAW-09-2679

September 21, 2009

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: IPP-05-79, "Technical Justification to Support Submittal of Relaxation Request from NRC Order EA-03-009 for Indian Point 2 and 3," dated Nov 2005 (proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-09-2679 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 2.390 of the Commission's regulations.

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

The subject document was prepared and classified as Westinghouse Proprietary Class 2. Westinghouse is providing the letter for use by the NRC and requests that the letter be considered proprietary in its entirety. As such, a non-proprietary version will not be issued.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference CAW-09-2679, 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,

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

Enclosures

cc: George Bacuta (NRC OWFN 12E-1)

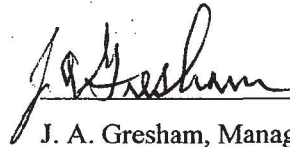
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

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:



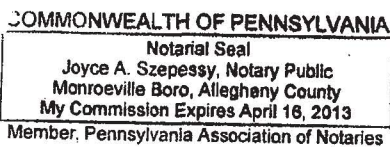
J. A. Gresham, Manager

Regulatory Compliance and Plant Licensing

Sworn to and subscribed before me
this 21st day of September, 2009



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 2.390 of the Commission's regulations and in conjunction with the Westinghouse Application for Withholding Proprietary Information from Public Disclosure 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 2.390 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 2.390; 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 in IPP-05-79, "Technical Justification to Support Submittal of Relaxation Request from NRC Order EA-03-009 for Indian Point 2 and 3," (proprietary) dated Nov 2005, for Reactor Vessel Head Inspection, being transmitted by Entergy Nuclear Operations, Inc. letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse for Indian Point Unit 2 is expected to be applicable for other licensee submittals in response to certain NRC requirements for justification of Reactor Vessel Head Inspection Relief Requests, and may be used only for that purpose.

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 performing CRDM head penetration flaw analyses.
- (b) 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 information 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:

PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

COPYRIGHT NOTICE

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.

Enclosure 3 to NL-09-130

**AFFIDAVIT FOR WITHHOLDING PROPRIETARY INFORMATION IN
ENCLOSURE 4 FROM PUBLIC DISCLOSURE**

ENTERGY NUCLEAR OPERATIONS, INC.
INDIAN POINT NUCLEAR GENERATING UNIT NO. 2
DOCKET NO. 50-247



Westinghouse Electric Company
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e-mail: greshaja@westinghouse.com

CAW-09-2680

September 22, 2009

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: C-8724-00-01, Revision 0, "Indian Point 2 CRDM Stress Analysis" (proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-09-2680 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 2.390 of the Commission's regulations.

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

The subject document was prepared for Westinghouse and classified as Westinghouse Proprietary Class 2. Westinghouse is providing the document for use by the NRC and requests that the document be considered proprietary in its entirety. As such, a non-proprietary version will not be issued.

Correspondence with respect to this application for withholding or the accompanying affidavit should reference CAW-09-2680, 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: George Bacuta (NRC OWFN 12E-1)

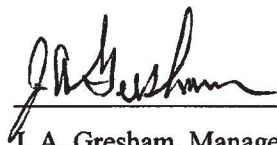
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF ALLEGHENY:

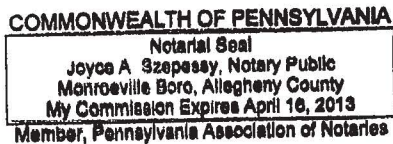
Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit 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 22nd day of September, 2009


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.
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