



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 21, 2016

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

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR CONDITIONAL EXEMPTION FROM END-OF-LIFE MODERATOR TEMPERATURE COEFFICIENT MEASUREMENT (CAC NOS. MF7193 AND MF7194)

Dear Sir or Madam:

By letter dated July 7, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16197A172), as supplemented by letter dated October 6, 2016 (ADAMS Accession No. ML16291A547), Entergy Nuclear Operations, Inc. submitted an affidavit (CAW-16-4473) dated September 19, 2016, executed by Mr. James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, requesting that information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

Attachment 2 to NL-16-113 – Supplemental Proprietary Response to Request for Additional Information Regarding Conditional Exemption from End-Of-Life (EOL) Moderator Temperature Coefficient (MTC) Measurement

A nonproprietary version of the above document (Attachment 1 of the letter dated October 6, 2016), has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS under Accession No. ML16291A547.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (4)(ii)(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.
- (4)(ii)(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.

The NRC staff has reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, has determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the aforementioned document 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, the NRC may send copies of this information to its consultants working in this area. The NRC will ensure that its 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, the NRC should be promptly notified. The NRC may revisit this determination in the future if, for example, the scope of a Freedom of Information Act request includes this information. The NRC will notify you in advance of any public disclosure if the NRC makes such a determination.

If you have any questions regarding this matter, please contact me at (301) 415-1364 or Douglas.Pickett@nrc.gov.

Sincerely,



Douglas V. Pickett, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

cc: Mr. James A. Gresham
Manager, Regulatory Compliance
Westinghouse Electric Company LLC
1000 Westinghouse Drive
Building 3, Suite 310
Cranberry Township, PA 16066

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Sincerely,
/RA/
Douglas V. Pickett, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

cc: Mr. James A. Gresham
Manager, Regulatory Compliance
Westinghouse Electric Company LLC
1000 Westinghouse Drive
Building 3, Suite 310
Cranberry Township, PA 16066

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