



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

June 29, 2018

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR INDIAN POINT NUCLEAR GENERATING UNIT NO. 2 (EPID
L-2017-LLA-0408)

Dear Sir or Madam:

By letter dated December 11, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17354A014), Entergy Operations, Inc. referenced an affidavit dated October 3, 2017, executed by Mr. James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, requesting that information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

NETCO Report NET-28091-0003-01, Revision 0, "Criticality Safety Analysis for the Indian Point Unit 2 Spent Fuel Pool with No Absorber Panel Credit"
(Proprietary)

A non-proprietary version of the above document is available under ADAMS Accession No. ML17354A015.

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 U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the submittal 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 documents 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 document. If the need arises, the NRC may send copies of this information to our 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) 415-1030 or Richard.Guzman@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Guzman', followed by a horizontal line extending to the right.

Richard V. Guzman, Senior Project Manager
Plant Licensing Branch I
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-247

cc: Mr. James A. Gresham
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Westinghouse Electric Company
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Cranberry Township, PA 16066

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