

ShawPittman

A Law Partnership Including Professional Corporations

MATIAS F. TRAVIESO-DIAZ
202.663.8142
matias.travieso-diaz@shawpittman.com

DOCKETED
USNRC

01 MAR 13 P3:30

March 5, 2001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

U. S. Nuclear Regulatory Commission
Washington, DC 20555

ATTENTION: Document Control Desk

SUBJECT: James A. FitzPatrick Nuclear Power Plant and Indian Point Nuclear
Generating Unit No 3; Docket Nos. 50-333-LT and 50-286-LT
(consolidated), ASLB No. 01-785-02-LT

NYPA/Entergy Companies' Response to CAN's Initial Statement of
Position on Issue 3 (CAN's Revised Contention on Financial
Qualifications), Rebuttal Testimony and Joint Affidavit of Barrett E. Green
and Michael R. Kansler on CAN's Revised Contention on Financial
Qualifications, and NYPA/Entergy Companies' Motion to Strike Portions of
CAN's Initial Statement of Position on Issue 3 and Supporting Testimony

Ladies and Gentlemen:

Pursuant to the Presiding Officer's Memorandum and Order (CAN's Revised Contention on Financial Qualifications), LBP-01-04 (February 5, 2001), Entergy Nuclear FitzPatrick, LLC, Entergy Nuclear Indian Point 3, LLC, Entergy Nuclear Operations, Inc. and the Power Authority of the State of New York file the enclosed NYPA/Entergy Companies' Response to CAN's Initial Statement of Position on Issue 3 (CAN's Revised Contention on Financial Qualifications), Rebuttal Testimony and Joint Affidavit of Barrett E. Green and Michael R. Kansler on CAN's Revised Contention on Financial Qualifications, and NYPA/Entergy Companies' Motion to Strike Portions of CAN's Initial Statement of Position on Issue 3 and Supporting Testimony.

Both the NYPA/Entergy Companies' Response to CAN's Initial Statement of Position on Issue 3 (CAN's Revised Contention on Financial Qualifications), Rebuttal Testimony and Joint Affidavit of Barrett E. Green and Michael R. Kansler on CAN's Revised Contention on Financial Qualifications, and the exhibit (Exhibit 1) to NYPA/Entergy Companies' Motion to Strike Portions of CAN's Initial Statement of Position on Issue 3 and Supporting Testimony contain information that is requested to be

Template = SECY-043

U.S. Nuclear Regulatory Commission

March 5, 2001

Page 2

withheld from public disclosure pursuant to 10 CFR 2.790(a)(4) and 10 CFR 9.17(a)(4). The information contained in those documents is an elaboration of that provided as part of the applications for NRC consent to the transfer of the operating licenses for the above referenced facilities ("Applications"). The Applications, filed on May 12, 2000, included affidavits by Michael R. Kansler, Senior Vice President and Chief Operating Officer of Entergy Nuclear FitzPatrick, LLC, Entergy Nuclear Indian Point 3, LLC and Entergy Nuclear Operations, Inc. which provided the basis for the request that certain information contained in the Applications be withheld from public disclosure. Mr. Kansler's affidavits likewise provide the basis for the request herein that the enclosed materials be withheld from public disclosure.

Very truly yours,



Matias F. Travieso-Diaz

Counsel for the Power Authority of the State
of New York, Entergy Nuclear FitzPatrick,
LLC, Entergy Nuclear Indian Point, LLC
and Entergy Nuclear Operations, Inc.

Enclosures:

NYPA/Entergy Companies' Response to CAN's Initial Statement of Position on Issue 3
(CAN's Revised Contention on Financial Qualifications),
Rebuttal Testimony and Joint Affidavit of Barrett E. Green and Michael R. Kansler on
CAN's Revised Contention on Financial Qualifications,
NYPA/Entergy Companies' Motion to Strike Portions of CAN's Initial Statement of
Position on Issue 3 and Supporting Testimony.