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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Gerald C. Goldstein  
Assistant General Counsel

March 26, 2001

Mr. Timothy L. Judson  
Citizens Awareness Network, Inc.  
140 Bassett Street  
Syracuse, New York 13210

**Re: Power Authority of the State of New York,  
Entergy Nuclear Indian Point 3, LLC,  
Entergy Nuclear FitzPatrick, LLC and  
Entergy Nuclear Operations, Inc.  
Docket Nos. 50-333-LT and 50-286-LT  
Proprietary Information**

Dear Mr. Judson:

Your letter of March 19, 2001 raised a number of issues concerning access by the Power Authority of the State of New York ("the Authority") to proprietary information submitted by Entergy Nuclear Indian Point 3, LLC, Entergy Nuclear FitzPatrick, LLC and Entergy Nuclear Operations, Inc. ("the Entergy Companies") in the license transfer applications and other proprietary information filed by the Entergy Companies with the Nuclear Regulatory Commission with respect to the transfer of the licenses for the Indian Point 3 and FitzPatrick facilities.

First, it should have been no surprise to you that the Authority was not privy to the Entergy Companies' proprietary information. The license transfer applications filed with the NRC by the Authority on May 11, 2000 specifically stated they were redacted to delete proprietary information and that the applications containing the proprietary information were being submitted by the Entergy Companies. The unredacted applications containing Entergy's proprietary information, filed by the Entergy Companies with the NRC on May 12, 2000 and which the Entergy Companies provided to you, show on their face that they were submitted to the NRC only by the Entergy Companies. And the Confidentiality and Non-Disclosure Agreement that you signed was with the Entergy Companies and in no way suggested that NYPA had access to the proprietary information.

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SECY-02

Mr. Timothy L. Judson

March 26, 2001

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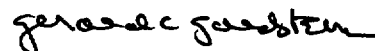
Second, contrary to your suggestion, it is clearly not "anomalous" that the Authority and the Entergy Companies would submit applications jointly but that the Authority would not have access to the Entergy Companies' confidential information included in those applications. Most other license transfer applications for other facilities handle confidential information exactly the same way.

Third, it should not be confusing to CAN that the Authority and the Entergy Companies jointly retained Shaw Pittman to represent them in the NRC hearing. There were no conflicts between the Authority and the Entergy Companies in the hearing. And, as you know, both the Authority and the Entergy Companies were also represented in the license transfer proceeding and at the hearing by separate counsel.

Fourth, contrary to your speculation, there is no "adversarial relationship" between the Authority and the Entergy Companies regarding the license transfer. Therefore, the decommissioning arrangement agreed to by the Authority and the Entergy Companies could not be affected by such an alleged relationship. In any case, as you are aware, the information on the decommissioning arrangement is not proprietary, and was not treated as proprietary in the applications or in the NRC hearing.

Finally, let me assure you that we have reviewed our files to remove all paper copies, and directed the deletion of all electronic filings, that we received from you which indicated that they may contain proprietary information.

Very truly yours,



Gerald C. Goldstein  
Assistant General Counsel

cc: Service List

P.S. Please note the correct address for service by first class mail upon the Power Authority is: Gerald C. Goldstein, New York Power Authority, 123 Main Street, White Plains N.Y. 10601

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**ATOMIC SAFETY AND LICENSING BOARD**

**Before Administrative Judge:**

**Charles Bechhoefer,  
Presiding Officer**

**In the Matter of**

**POWER AUTHORITY OF THE  
STATE OF NEW YORK and ENTERGY  
NUCLEAR FITZPATRICK, LLC,  
ENTERGY NUCLEAR INDIAN  
POINT 3, LLC and ENTERGY  
NUCLEAR OPERATIONS, INC.**

**(James A. FitzPatrick Nuclear Power  
Plant and Indian Point Nuclear  
Generating Unit No. 3)**

**Docket Nos. 50-333-LT  
and 50-286-LT  
(consolidated)**

**ASLBP No. 01-785-02-LT**

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing "NYPA/Entergy Companies Response to Citizens Awareness Network, Inc.'s letter dated March 19, 2001" were served on the persons listed below by electronic mail, with conforming copies by U.S. mail, first class, postage prepaid, this 26 day of March 2001.

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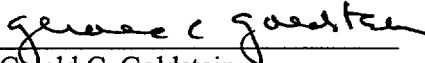
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