



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

August 14, 2014

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 (TAC  
NOS. MD5407 AND MD5408)**

Dear Sir or Madam:

By letter dated January 16, 2014 (see Agencywide Documents Access and Management System [ADAMS] Accession No. ML14027A413), you submitted an affidavit dated January 9, 2014, executed by James A. Gresham of Westinghouse Electric Company, requesting that some information contained in Enclosure 1 to your January 16, 2014 letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

A nonproprietary copy of this document (see ADAMS Accession No. ML14027A415) has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) public document room (PDR) and added to the NRC Library in ADAMS.

The reasons given for requesting our withholding of this information were that 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 advantage over other companies, and 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.

We have reviewed your request and all of the supporting information in accordance with the requirements of 10 CFR 2.390 and have concluded that you have not provided sufficient justification for us to determine that certain information sought to be withheld from public disclosure contains proprietary information. Some of the information is already publicly available, such as the rated power, number of fuel assemblies, and core volume (needed to calculate power density). For example, see ADAMS Accession Nos. ML052720262 (operating license) and ML11236A227 (Updated Final Safety Analysis Report). Therefore, your request

to withhold certain information, i.e., rated power, number of fuel assemblies, and power density, from public disclosure is denied. However, we have concluded that the remainder of the information sought to be withheld does contain proprietary commercial information and should be withheld from public disclosure in accordance with the requirements of 10 CFR 2.390.

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, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Within 30 days from the receipt of this letter, the information that has been determined to not be proprietary will be placed in the NRC's PDR. If, within 30 days of the receipt of this letter, you request withdrawal of the document in accordance with 10 CFR 2.390(c), your request will be considered in light of applicable statutes and regulations and a determination made whether the document will be withheld from public disclosure and returned to you.

If you have any questions, please call me at 301-415-1627.

Sincerely,

*/RA/*

Kimberly Green, Sr. Mechanical Engineer  
Aging Management of Plant Systems Branch  
Division of License Renewal  
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

cc: Mr. James A. Gresham, Manager, Regulatory Compliance  
Westinghouse Electric Company  
Suite 300  
1000 Westinghouse Drive  
Cranberry Township, PA 16066

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Kimberly Green, Sr. Mechanical Engineer  
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Docket Nos. 50-247 and 50-286

cc: Mr. James A. Gresham, Manager, Regulatory Compliance  
Westinghouse Electric Company  
Suite 300  
1000 Westinghouse Drive  
Cranberry Township, PA 16066

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**ADAMS Accession No.: ML14217A206**

\*concurring via email

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