



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

February 11, 2020

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. 1, 2 AND 3 – REQUEST
FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(EPID L-2019-LLM-0003)

Dear Sir or Madam:

By letter dated November 21, 2019, to the U.S. Nuclear Regulatory Commission (NRC), Entergy Nuclear Operations, Inc. (Entergy), submitted an affidavit dated November 21, 2019, executed by A. Christopher Bakken, III, President and Chief Executive Officer, Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC, and an affidavit also dated November 21, 2019, executed by Pamela B. Cowan, Senior Vice President and Chief Operating Officer, Holtec Decommissioning International, LLC, 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:

Enclosure 1P – Membership Interest Purchase and Sale Agreement by and Among Nuclear Asset Management Company, LLC, Holtec International, Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Indian Point 3, LLC, dated as of April 15, 2019” (Proprietary)

The letter with the nonproprietary version of Enclosure 1P, provided as Attachment B, “Membership Interest Purchase and Sale Agreement” (Non-Proprietary) (without exhibits),” has been placed in the NRC’s Public Document Room and added to the NRC Library at Agencywide Documents Access and Management System Accession No. ML19326B953.

Mr. Bakken’s affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- i. Enclosure 1P contains confidential commercial information, the disclosure of which would adversely affect Entergy.
- ii. This information has been held in confidence by Entergy.
- iii. Entergy customarily keeps such information in confidence, and there is a rational basis for holding such information in confidence. The information is not available from public sources and could not be gathered readily from other publicly available information.

- iv. Public disclosure of this information would cause substantial harm to Entergy's business interests because such information has significant commercial value to Entergy and its disclosure could adversely affect other Entergy transactions.

Ms. Cowan's affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- i. Enclosure 1P contains confidential commercial information, the disclosure of which would adversely affect Holtec.
- ii. This information has been held in confidence by Holtec.
- iii. Holtec customarily keeps such information in confidence, and there is a rational basis for holding such information in confidence. The information is not available from public sources and could not be gathered readily from other publicly available information.
- iv. Public disclosure of this information would cause substantial harm to Holtec's business interests because such information has significant commercial value to Holtec and its disclosure could adversely affect other Holtec transactions.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavits, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information 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, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the 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, 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.

If you have any questions regarding this matter, I may be reached at 301-415-1030 or by e-mail to Richard.Guzman@nrc.gov.

Sincerely,

/RA/

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

Docket Nos. 50-003, 50-247, 50-286,
and 72-051

cc: Mr. A. Christopher Bakken, III, President
and Chief Executive Officer,
Entergy Nuclear Operations, Inc.
1340 Echelon Pkwy
Jackson, MS 39213

cc: Ms. Pamela B. Cowan, Senior Vice President
and Chief Operating Officer,
Holtec Decommissioning International, LLC
1 Holtec Boulevard
Camden, NJ 08104

Listserv

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NOS. 1, 2 AND 3 – REQUEST
FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(EPID L-2019-LLM-0003) DATED FEBRUARY 11, 2020

DISTRIBUTION:

PUBLIC

PM File Copy

RidsACRS_MailCTR Resource

RidsNrrDorLpl1 Resource

RidsNrrLALRonewicz Resource

RidsNrrPMIndian Point Resource

RidsRgn1MailCenter Resource

FMiller, NMSS

RTurtil, NMSS

ADAMS Accession No.: ML20026A001

*by e-mail

OFFICE	NRR/DORL/LPL1/PM	NRR/DORL/LPL1/LA	NMSS/REFS/FAB/BC*
NAME	RGuzman	LRonewicz	FMiller
DATE	02/03/2020	01/31/2020	02/04/2020
OFFICE	NRR/DORL/LPL1/BC	NRR/DORL/LSPB/PM	
NAME	JDanna	RGuzman	
DATE	02/11/2020	02/11/2020	

OFFICIAL RECORD COPY