



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

March 15, 2012

Mr. Frank R. Payne  
Manager Operations  
Nine Mile Point Nuclear Station, LLC  
P.O. Box 63  
Lycoming, NY 13093

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
RE: PROPOSED LICENSE AMENDMENT REGARDING THE USE OF  
MODIFIED ALLOY 718 MATERIAL IN JET PUMP HOLDDOWN BEAMS – NINE  
MILE POINT NUCLEAR STATION, UNIT NO. 2 - (TAC NO. ME7800)

Dear Mr. Payne:

By letter dated December 30, 2011, you submitted an affidavit dated December 26, 2011, respectively, executed by Mr. Tadahiko Torimaru of Toshiba Corporation, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Toshiba Engineering Report, Jet Pump Beam Fabrication – Comparison of Modified Alloy 718 and Alloy X-750 Materials, SMV-2011-000034-P, Revision 0, dated December 26, 2011.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Toshiba Corporation's competitors without license from Toshiba Corporation constitutes a competitive economic advantage over other companies.
- b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- 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.
- d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Toshiba Corporation, its customers or suppliers.
- e) It reveals aspects of past, present, or future Toshiba Corporation or customer funded development plans and programs or potential commercial value to Toshiba Corporation.
- f) It contains patentable ideas, for which patent protection may be desirable.

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 affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the above listed document 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 Nuclear Regulatory Commission (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.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Guzman", with a long horizontal flourish extending to the right.

Richard V. Guzman, Senior Project Manager  
Plant Licensing Branch I-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-410

cc: Mr. Tadahiko Torimaru  
Group Manager, Materials Engineering Group  
Systems Design & Engineering Department  
Nuclear Energy Systems & Services Division  
Power System Company, Toshiba Corporation  
36-5 Tsurumichuo 4-chome, Tsurumi-Ku,  
Yokohama 230-8691, Japan

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Sincerely,

/ra/

Richard V. Guzman, Senior Project Manager  
Plant Licensing Branch I-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-410

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Group Manager, Materials Engineering Group  
Systems Design & Engineering Department  
Nuclear Energy Systems & Services Division  
Power System Company, Toshiba Corporation  
36-5 Tsurumichuo 4-chome, Tsurumi-Ku,  
Yokohama 230-8691, Japan

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