



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

April 26, 2013

Mr. Mark E. Reddeman
Chief Executive Officer
Energy Northwest
P.O. Box 968 (Mail Drop 1023)
Richland, WA 99352-0968

SUBJECT: COLUMBIA GENERATING STATION - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME7905)

Dear Mr. Reddeman:

By letter dated April 11, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13116A013), Energy Northwest (EN) submitted affidavits executed by Linda C. Dolan, GE-Hitachi Nuclear Energy Americas LLC (GEH), dated April 2 and April 10, 2013, requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Enclosure 1, "GEH Responses to NRC EICB RAIs," and Enclosure 3, "Revised NEDC-33685P Appendix A References," of GEH letter, GE-MS-CT-106244-JC24, "ENW-CGS PRNM/ARTS/MELLLA Round 3 RAI Responses," dated April 2, 2013.

Enclosure 1, "GEH Response to NRC EICB RAI 17," of GEH letter, GE-MS-CT-106244-JC25, "GEH Response to ENW-CGS PRNM/ARTS/MELLLA RAI 17," dated April 10, 2013.

The information is included in Enclosures 1 and 3 to EN's letter dated April 11, 2013. A nonproprietary version of Enclosure 1, designated as Enclosure 2 to EN's letter dated April 11, 2013, has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the ADAMS Public Electronic Reading Room. Enclosure 3 is proprietary in its entirety; therefore, a nonproprietary version was not provided.

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

- The information...is classified as proprietary because it contains the detailed setpoint methodology and design information for the instrumentation and control equipment that is used in the design and analysis of the power range neutron monitoring system for the GEH Boiling Water Reactor (BWR). These methods, techniques, and data along with their application to the design, modification, and analyses associated with the power range neutron monitoring system was achieved at a significant cost to GEH. The development of the evaluation process, along with the interpretation and application of the analytical

results, is derived from the extensive experience database that constitutes a major GEH asset.

- Public disclosure of the information sought to be withheld is likely to cause substantial harm to GEH's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GEH's comprehensive BWR safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

The research, development, engineering, analytical and NRC review costs comprise a substantial investment of time and money by GEH. The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial. GEH's competitive advantage will be lost if its competitors are able to use the results of the GEH experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to GEH would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GEH of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

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 version(s) 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

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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) 415-2296 or via e-mail at fred.lyon@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Lyon".

Carl F. Lyon, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-397

cc: Linda C. Dolan
Manager, Regulatory Compliance
Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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M. Reddeman

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Sincerely,

/RA/

Carl F. Lyon, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-397

cc: Linda C. Dolan
Manager, Regulatory Compliance
Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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ADAMS Accession No. ML13109A163

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