



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

January 15, 2014

Mr. Christopher A. Costanzo
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P. O. Box 63
Lycoming, NY 13093

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE RE:
RESPONSES TO REQUESTS FOR ADDITIONAL INFORMATION DATED
NOVEMBER 4, AND DECEMBER 13, 2013 (TAC NO. MF0345)

Dear Mr. Costanzo:

By letter dated November 4, and December 13, 2013 (Agencywide Documents Access and Management System (ADAMS) Package Accession Nos. ML13311A044 and ML13353A277), Nine Mile Point Nuclear Station, LLC (the licensee) submitted the following affidavits executed by Peter M. Yandow, Vice President, Nuclear Plant Projects [NPP]/Services Licensing, Regulatory Affairs, GE-Hitachi Nuclear Energy Americas, LLC (GEH), 3901 Castle Hayne Road, Wilmington, NC28401:

- (1) Affidavit dated October 16, 2013, regarding Enclosure 1 of GEH Letter, GE-PPO-1GYEF-KGI-720, "Response to NRC Request for Additional Information [RAI] EVIB – RAI 6 (Attachment 6 to the letter contains Proprietary Information).

This affidavit requested 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(a)(4):

Enclosure 1 of GEH letter, GE-PPO-1GYEF-KGI-720, "GEH Responses to NMP2 EVIB RAI 6," dated October 16, 2013. The GEH proprietary information in Enclosure 1, which is entitled "Reponses to EVIB RAI 6," and contained in Attachment 6 of the CENG Letter to NRC, dated November 4, 2013, Nine Mile Point Nuclear Station, Unit No. 2; Docket No. 50-410, "Nine Mile Point Nuclear Station License Amendment Request to Relocate the Pressure and Temperature Limit Curves to the Pressure and Temperature Limits Report – Supplemental Information in Response to NRC Request for Additional Information (TAC No. MF0345)" (ADAMS Accession No. ML13311A056).

Additionally, by the letter dated December 13, 2013 (ADAMS Package Accession No. ML13353A277), in Attachment 3, the licensee submitted the following affidavit executed by Peter M. Yandow, Manager, NPP/Services Licensing, Regulatory Affairs, GE-Hitachi Nuclear Energy Americas, LLC (GEH), 3901 Castle Hayne Road, Wilmington, NC28401:

- (2) Affidavit dated December 5, 2013, regarding Enclosure 1 of GEH letter, GE-PPO-1GYEF-KGI-724, "Response to November 13, 2013 Email Request Clarifying RAI EVIB-6." (Attachment 4 to the letter contains Proprietary Information)

This affidavit requested 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(a)(4):

Enclosure 1 of GEH letter, GE-PPO-1GYEF-KGI-724, "GEH Response to NMP2 RAI EVIB-6 NRC Clarification Request," dated December 5, 2013. The GEH proprietary information in Enclosure 1, which is entitled "Clarification of RAI EVIB-6." and contained in Attachment 4 of the CENG Letter to NRC, dated December 13, 2013, Nine Mile Point Nuclear Station, Unit No. 2; Docket No. 50-410, "Nine Mile Point Nuclear Station License Amendment Request to Relocate the Pressure and Temperature Limit Curves to the Pressure and Temperature Limits Report – Supplemental Information in Response to NRC Request for Additional Information and Clarification of RAI EVIB-6 (TAC No. MF0345)" (ADAMS Accession No. ML13353A306).

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

- (4) The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. Some examples of categories of information that fit into the definition of proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies;
 - b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;
- (8) The information identified in paragraph (2), above [of the affidavit], is classified as proprietary because it contains the detailed GEH methodology for pressure-temperature curve analysis 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 pressure-temperature curves were achieved at a significant cost to GEH.

The development of the evaluation processes along with the interpretation and application of the analytical results is derived from the extensive experience and information databases that constitute major GEH assets.

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 submitted information (in Attachment 6 and Attachment 4 of the submissions, respectively), 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.

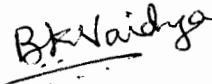
Nonproprietary version of Attachment 6 and Attachment 4 of the licensee submittals, (Attachment 4, ADAMS Accession No. ML13311A055 and Attachment 2 ADAMS Accession No. ML13353A305, of the licensee's submittals respectively), have been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room.

C. A. Costanzo

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If you have any questions regarding this matter, I may be reached at 301-415-3308.

Sincerely,

A handwritten signature in black ink, appearing to read "B.K. Vaidya", with a horizontal line drawn underneath it.

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-410

cc:

Peter M. Yandow,
Vice President, Nuclear Plant Projects/Services Licensing, Regulatory Affairs,
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Rd.
Wilmington, NC 28401

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C. A. Costanzo

- 4 -

If you have any questions regarding this matter, I may be reached at 301-415-3308.

Sincerely,

/ra/

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-410

cc:

Peter M. Yandow,
Vice President, Nuclear Plant Projects/Services Licensing, Regulatory Affairs,
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Rd.
Wilmington, NC 28401

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