



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

February 27, 2017

Mr. Eric McCartney
Regional Vice President
Seabrook Station, Unit No. 1
NextEra Energy Seabrook, LLC
P.O. Box 300
Seabrook, NH 03874

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(CAC NO. ME4028)

Dear Mr. McCartney:

By letter dated December 23, 2016 (SBK-L-16181), available at Agencywide Documents Access and Management System (ADAMS) Accession No. ML16362A283, you submitted to the U.S. Nuclear Regulatory Commission (NRC) an affidavit dated December 23, 2016, 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) Section 2.390:

Enclosure 5 to SBK-L-16181, "Seabrook Station, License Renewal Application Relating to the Alkali-Silica Reaction (ASR) Monitoring Program."

Enclosure 1 to SBK-L-16181, "Seabrook Station, License Renewal Application Relating to the Alkali-Silica Reaction (ASR) Monitoring Program" provides a redacted nonproprietary version of this document and is available at ADAMS Accession No. ML16362A283.

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

- The information sought to be withheld is considered to be proprietary and confidential commercial information because ASR is a newly identified phenomenon at domestic nuclear plants. The information requested to be withheld is the result of several years of intensive NextEra Energy Seabrook effort and the expenditure of a considerable sum of money. This information may be marketable in the event nuclear facilities or other regulated facilities identify the presence of ASR. In order for potential customers to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended. The extent to which this information is available to potential customers diminishes NextEra Energy Seabrook's ability to sell products and services involving the use of the information. Thus, public disclosure of the information sought to be withheld is likely to cause substantial harm to NextEra Energy Seabrook's competitive position and NextEra Energy Seabrook has a rational basis for considering this information to be confidential commercial information.
- The information sought to be withheld is being submitted to the NRC in confidence.

- The information sought to be withheld has, to the best of NextEra Energy Seabrook's knowledge and belief, consistently been held in confidence by NextEra Energy Seabrook, has not been disclosed publicly, and has not been made available in public sources.
- The information is of a sort customarily held in confidence by NextEra Energy Seabrook, and is in fact so held.
- All disclosures to third parties, including any required transmittals to the NRC, have been or will be pursuant to regulatory provisions and/or confidentiality agreements that provide for maintaining the information in confidence.

We have reviewed your submittal 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, Enclosure 5 to SBK-L-16181 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 301-415-3306 or by e-mail at Lois.James@nrc.gov.

Sincerely,

/RA/

Lois M. James, Senior Project Manager
Projects Branch 1
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-443

cc: Distribution via Listserv

E. McCartney

- 2 -

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Division of License Renewal
Office of Nuclear Reactor Regulation

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Accession No. **ML17017A374**

* Concurred via e-mail

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DATE	2/27/2017	1/25/2017	2/27/2017	1/19/2017	2/27/2017	2/27/2017

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Letter to E. McCartney from L. James February 27, 2017

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