



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

February 4, 1986

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**Docket File**  
NRC PDR  
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Docket No. 50-410

Mr. B. G. Hooten  
Executive Director for Nuclear Operations  
Niagara Mohawk Power Corporation  
300 Erie Boulevard West  
Syracuse, New York 13202

Dear Mr. Hooten:

Subject: Request for Withholding Information from Public  
Disclosure for Nine Mile Point Unit 2

By letter dated November 14, 1985, from Mr. C. V. Mangan, Niagara Mohawk provided the technical data required by Regulatory Guide 1.84 to support invocation of ASME III Code Cases N-192 and N-192-2.

That letter identified the enclosure to that letter (design reports CR 723, CR 1017, CR 1024, CR 1105, CR 1107, and CR 1161) as containing proprietary information which should be withheld from public disclosure pursuant to 10 CFR 2.790.

The above referenced letter included as an attachment, an affidavit from Mr. Paul Campbell, Vice President, of Metal Bellows Corporation (MBC), as owners of the information, stating a basis for withholding these documents is as follows:

1. The information sought to be withheld consists of modeling techniques used in seismic & fatigue analyses of metallic flexible hose. These techniques were developed by and at the expense of MBC.
2. MBC is in the business of designing and constructing nuclear metallic flexible hose for nuclear power plants. This business is competitive and firms that engage in it compete on the basis of the nature and quality of the products and services that they offer clients. The above referenced material is one such product.
3. The subject material was developed at considerable expense to MBC and is of substantial value to MBC in the conduct of its business. A competitor would derive an unfair advantage in obtaining the proprietary information sought to be withheld. Thus, the unrestricted disclosure of this material could have an adverse commercial impact on MBC. The data is plant specific for Nine Mile Point Unit 2; however, the methodology could be applied to other situations.
4. It is, accordingly, the customary practice of MBC to treat such material as confidential commercial information.

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5. To the best of their knowledge and belief, the identified materials are not available from any public source and have not been made available to third parties, except in confidence.

We have reviewed your application and the material based on the requirements and criteria of 10 CFR §2.790 and, on the basis of MBC's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

It is our belief, pursuant to 10 CFR §2.790(b)(5) and Section 103(b) of the Atomic Energy act of 1954, as amended, that, at this time, the right of the public to be fully apprised of the submitted information does not outweigh the need to protect MBC's competitive position.

Accordingly, we have determined that the information should be withheld from public disclosure.

We therefore, approve Niagara Mohawk's request for withholding pursuant to 10 CFR §2.790 and are withholding the above listed design reports from public inspection as proprietary.

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, insure 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 I.R.C. You should also understand that the NRC may have cause to review this determination in the future, such as if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

*Elinor G. Adensam*

Elinor G. Adensam, Director  
BWR Project Directorate No. 3  
Division of BWR Licensing

cc: See next page

DESIGNED ORIGINAL

Certified By

*Angela Henry*

Mr. B. G. Hooten  
Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station  
Unit 2

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