



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

March 3, 2022

Mr. Kevin Cimorelli
Site Vice President
Susquehanna Nuclear, LLC
769 Salem Boulevard
NUCSB3
Berwick, PA 18603-0467

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR SUSQUEHANNA STEAM ELECTRIC STATION (EPID L-2022-LLA-0005)

Dear Mr. Cimorelli:

By letter PLA-7962 dated January 5, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22005A183), Susquehanna Nuclear, LLC (the licensee) submitted an affidavit dated September 23, 2021, executed by Alan B. Meginnis, Manager, Product Licensing, for Framatome Inc. requesting that the U.S. Nuclear Regulatory Commission (NRC) withhold information contained in the following document from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

Enclosure 5, "ANP-3857P, Revision 2 'Design Limits for Framatome Critical Power Correlations,' July 2020."

A nonproprietary copy of this enclosure has been placed in the NRC's Public Document Room and added to the NRC Library (ADAMS Accession No. ML22005A183).

The affidavit dated September 23, 2021, stated that the submitted information in Enclosure 5 should be considered exempt from mandatory public disclosure for the following reasons:

1. The information sought to be withheld from public disclosure is of the type customarily held in confidence by Framatome and not made available to the public.
2. The information has been made available to the NRC in confidence with the request that the information be withheld from public disclosure.
3. Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
4. The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage to Framatome in product optimization or marketability.
5. The information is vital to a competitive advantage held by Framatome, would be helpful to competitors to Framatome, and would likely cause substantial harm to the competitive position of Framatome.

The NRC staff has reviewed the licensee's application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, has determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version 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, the NRC staff may send copies of this information to consultants working in this area. The NRC staff will 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, the licensee should promptly notify the NRC. 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 the licensee's information. In all review situations, if the NRC makes a determination adverse to the above, the licensee will be notified in advance of any public disclosure.

If you have any questions regarding this matter, please contact me at 301-415-0680 or Brent.Ballard@nrc.gov, or Audrey Klett at 301-415-0489 or Audrey.Klett@nrc.gov.

Sincerely,

/RA/

Brent Ballard, Project Manager
Plant Licensing Branch I
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-387, 50-388

cc: Alan B. Meginnis
Manager, Product Licensing
Framatome Inc.
3315 Old Forest Road
Lynchburg, VA 24501

Listserv

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