

This letter forwards proprietary information in accordance with 10 CFR 2.390. The balance of this letter may be considered non-proprietary upon removal of Attachment 2.

CENGSM

a joint venture of



Constellation
Energy



P.O. Box 63
Lycoming, NY 13093

**NINE MILE POINT
NUCLEAR STATION**

October 27, 2011

U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTENTION: Document Control Desk

SUBJECT: Nine Mile Point Nuclear Station
Unit No. 2; Docket No. 50-410

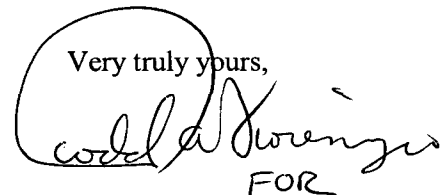
Response to Informational Request on Proposed Modification to the Reactor
Recirculation System Jet Pump Inlet Mixers

This letter provides technical information on a proposed modification to the Nine Mile Point Unit 2 (NMP2) reactor recirculation system jet pump inlet mixers. The letter is in response to an NRC staff request to provide this information prior to the Advisory Committee on Reactor Safeguards (ACRS) review of the NMP2 Extended Power Uprate application, which is scheduled for November 3, 2011. Accordingly, Attachment 2 of this letter provides Chapter 5 of TR-MODS-11-1, Rev. A, "Westinghouse Engineering Report - Jet Pump Inlet Mixer Form, Fit, and Function."

The information in Attachment 2 was prepared and is owned by Toshiba Corporation and is considered to contain proprietary information exempt from disclosure pursuant to 10 CFR 2.390. Toshiba has requested that the document be considered proprietary in its entirety; thus, a non-proprietary version is not provided. Therefore, on behalf of Toshiba Corporation, NMPNS hereby makes application to withhold Attachment 2 from public disclosure in accordance with 10 CFR 2.390(b)(1). The affidavit from Toshiba detailing the reasons for the request to withhold the proprietary information is provided in Attachment 1.

Should you have any questions regarding the information in this submittal, please contact John J. Dosa, Director Licensing, at (315) 349-5219.

Very truly yours,



FOR

Paul M. Swift
Manager Engineering Services

A001
NRRC

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- Attachments:
1. Affidavit from Toshiba Corporation Justifying Withholding Proprietary Information
 2. Chapter 5 of TR-MODS-11-1, Rev. A, Westinghouse Engineering Report - Jet Pump Inlet Mixer Form, Fit, and Function (Proprietary)

cc: NRC Regional Administrator, Region I
NRC Resident Inspector
NRC Project Manager

ATTACHMENT 1

**AFFIDAVIT FROM TOSHIBA CORPORATION
JUSTIFYING WITHHOLDING PROPRIETARY INFORMATION**

Affidavit for Withholding Confidential and Proprietary Information from Public Disclosure
under 10 CFR § 2.390

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

Constellation Energy LLC
Nine Mile Point
Unit 2

AFFIDAVIT

I, Goro Yanase, being duly sworn, hereby depose and state that I am Senior Manager, System Design & Engineering Department, Nuclear Energy Systems & Services Division, Power Systems Company, Toshiba Corporation; that I am duly authorized by Toshiba Corporation to sign and file with the Nuclear Regulatory Commission the following application for withholding Toshiba Corporation's confidential and proprietary information from public disclosure; that I am familiar with the content thereof; and that the matters set forth therein are true and correct to the best of my knowledge and belief.

In accordance with 10 CFR § 2.390(b)(ii), I hereby state, depose, and apply as follows on behalf of Toshiba Corporation:

(A) Toshiba Corporation seeks to withhold from public disclosure the documents listed in Attachment 1 of this affidavit, and all information identified as "Proprietary Class 2" therein (collectively, "Confidential Information").

(B) The Confidential Information is owned by Toshiba Corporation. In my position as Senior Manager, System Design & Engineering Department, Nuclear Energy Systems & Services Division, Power Systems Company, Toshiba Corporation; I have been specifically delegated the function of reviewing the Confidential Information and have been authorized to apply for its withholding on behalf of Toshiba Corporation.

(C) These documents contain the information of anti-fouling ceramic coatings for the jet pump inlet mixer replacement project being performed at Nine Mile Point Unit 2. These documents constituting and containing the Confidential Information are entirely confidential and proprietary to Toshiba Corporation, as indicated by the phrase "Proprietary Class 2" at the top of their cover pages.

(D) Consistent with the provisions of 10 CFR § 2.390(a)(4), the basis for proposing that the Confidential Information be withheld is that it constitutes Toshiba Corporation's trade secrets and confidential and proprietary commercial information.

(E) Public disclosure of the Confidential Information is likely to cause substantial harm to Toshiba Corporation's competitive position by (1) disclosing confidential and proprietary commercial information about the design, manufacture and operation systems for nuclear power reactors to other parties whose commercial interests may be adverse to those of Toshiba Corporation, and (2) giving such parties access to and use of such information at little or no cost, in contrast to the significant costs incurred by Toshiba Corporation to develop such information.

Toshiba Corporation has a rational basis for determining the types of information customarily held in confidence by it, and utilizes a system to determine when and whether to hold certain types of information in confidence.

The basis for claiming the information so designated as proprietary is as follows:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Toshiba Corporation's competitors without license from Toshiba Corporation constitutes a competitive economic advantage over other companies.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Toshiba Corporation, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Toshiba Corporation or customer funded development plans and programs of potential commercial value to Toshiba Corporation.
- (f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Toshiba Corporation system which include the following:

- (a) The use of such information by Toshiba Corporation gives Toshiba Corporation a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Toshiba Corporation competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Toshiba Corporation ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Toshiba Corporation at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Toshiba Corporation of a competitive advantage.
- (e) Unrestricted disclosure would jeopardize the position of prominence of Toshiba Corporation in the world market, and thereby give a market advantage to the competition of those countries.
- (f) The Toshiba Corporation capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.

Further, on behalf of Toshiba Corporation, I affirm that:

- (a) The Confidential Information is confidential and proprietary information of Toshiba Corporation.

- (b) The Confidential Information is information of a type customarily held in confidence by Toshiba Corporation, and there is a rational basis for doing so given the sensitive and valuable nature of the Confidential Information as discussed above in paragraphs (D) and (E).
- (c) The Confidential Information is being transmitted to the NRC in confidence.
- (d) The Confidential Information is not available in public sources.
- (e) Public disclosure of the Confidential Document is likely to cause substantial harm to the competitive position of Toshiba Corporation, taking into account the value of the Confidential Information to Toshiba Corporation, the amount of money and effort expended by Toshiba Corporation in developing the Confidential Information, and the ease or difficulty with which the Confidential Information could be properly acquired or duplicated by others.



Goro Yanase
Senior Manager
System Design & Engineering Department
Nuclear Energy Systems & Services Division
Power Systems Company
Toshiba Corporation

Date

