

**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 Enclosure 2.**

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**CENG**<sup>SM</sup>

a joint venture of



**NINE MILE POINT  
NUCLEAR STATION**

March 20, 2012

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

License Amendment Request Pursuant to 10 CFR 50.90: Use of Modified Alloy 718 Material in Jet Pump Holddown Beams – Supplemental Information in Response to NRC Request for Additional Information

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**REFERENCE:** (a) Letter from F. R. Payne (NMPNS) to NRC (Document Control Desk), dated December 30, 2011, License Amendment Request Pursuant to 10 CFR 50.90: Use of Modified Alloy 718 Material in Jet Pump Holddown Beams

Nine Mile Point Nuclear Station, LLC (NMPNS) hereby transmits supplemental information requested by the NRC in support of a previously submitted request for amendment to Nine Mile Point Unit 2 (NMP2) Renewed Facility Operating License NPF-69. The initial request, dated December 30, 2011 (Reference a), proposed the use of Modified Alloy 718 material for fabrication of the NMP2 reactor recirculation system jet pump holddown beams.

The NRC request for additional information was initially provided in an email from the NRC to NMPNS on March 9, 2012, and was discussed in a subsequent telephone conference call between NRC and NMPNS staff members on March 13, 2012. Specifically, the NRC requested information regarding microstructure requirements for the modified Alloy 718 material, and asked whether American Society of Mechanical Engineers (ASME) SB-637, Type 2, would be the procurement specification for the material.

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*MLL*

In response to this request, Enclosure 2 provides certified material test reports (CMTRs) for the applicable material heat numbers and associated micrographs.

The information contained in Enclosure 2 is considered by Toshiba Corporation to contain proprietary information exempt from disclosure pursuant to 10 CFR 2.390. Therefore, on behalf of Toshiba, NMPNS hereby makes application to withhold this enclosure 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 Enclosure 1.

This supplemental information does not affect the No Significant Hazards Determination analysis provided by NMPNS in Reference (a). Pursuant to 10 CFR 50.91(b)(1), NMPNS has provided a copy of this submittal, without the proprietary Enclosure 2, to the appropriate state representative. This letter contains no new regulatory commitments.

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,



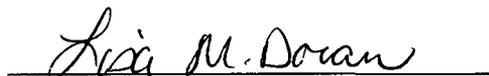
STATE OF NEW YORK :  
: TO WIT:  
COUNTY OF OSWEGO :

I, Ken Langdon, being duly sworn, state that I am Vice President-Nine Mile Point, and that I am duly authorized to execute and file this supplemental information on behalf of Nine Mile Point Nuclear Station, LLC. To the best of my knowledge and belief, the statements contained in this document are true and correct. To the extent that these statements are not based on my personal knowledge, they are based upon information provided by other Nine Mile Point employees and/or consultants. Such information has been reviewed in accordance with company practice and I believe it to be reliable.



Subscribed and sworn before me, a Notary Public in and for the State of New York and County of Oswego, this 20 day of March, 2012.

WITNESS my Hand and Notarial Seal:

  
Notary Public

My Commission Expires:  
9/12/2013  
Date

**Lisa M. Doran**  
**Notary Public in the State of New York**  
**Oswego County Reg. No. 01DO6029220**  
**My Commission Expires 9/12/2013**

KL/DEV

Enclosures:

1. Affidavit from Toshiba Corporation Justifying Withholding Proprietary Information
2. Certified Material Test Reports and Associated Micrographs for the Modified Alloy 718 Material

cc: Regional Administrator, Region I, NRC  
Project Manager, NRC  
Resident Inspector, NRC  
A. L. Peterson, NYSERDA (w/o Enclosure 2)

**ENCLOSURE 1**

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

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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, Koichi Matsumoto, being duly sworn, hereby depose and state that I am Group Manager, Nuclear Energy Equipment Quality Assurance Group, Quality Assurance Department, Keihin Product Operations, 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 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 document 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 Group Manager, Quality Assurance Department, Keihin Product Operations, 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 the Toshiba Corporation.
- (C) These documents contain the information regarding the Modified Heat Treat (MHT) 718 material which is being used for the fabrication of jet pump beams for the 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 disadvantage 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.

K. Matsumoto  
Koichi Matsumoto  
Group Manager  
Nuclear Energy Equipment Assurance Group  
Quality Assurance Department, Keihin Product Operations  
Power Systems Company  
Toshiba Corporation

3/14/2012  
Date

**Attachment 1 to the Toshiba Affidavit to the NRC  
(Proprietary Information)**

DOCUMENTS ENCLOSED (TO BE WITHHELD FROM PUBLIC DISCLOSURE)

<b>Item</b>	<b>Document Description</b>	<b>Document Number</b>	<b>Revision</b>
1.	Quality Data Package -Jet Pump Inlet Mixer for NMP 2	CMTR No. 201-1816-60, 201-1816-70	-