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NINE MILE POINT
NUCLEAR STATION

P.O. Box 63
Lycoming, NY 13093

May 22, 2012

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

ATTENTION: Document Control Desk

SUBJECT: Nine Mile Point Nuclear Station
Unit No. 1; Docket No. 50-220

Request to Utilize an Alternative to the Requirements of 10 CFR 50.55a(g) for the Repair of Control Rod Drive Housing Penetrations – Revised Affidavits Justifying Withholding Proprietary Information (TAC No. ME5789)

REFERENCES:

(a) Letter from J. E. Pacher (NMPNS) to Document Control Desk (NRC), dated March 4, 2011, Request to Utilize an Alternative to the Requirements of 10 CFR 50.55a(g) for the Repair of Control Rod Drive Housing Penetrations for the Remainder of the License Renewal Period of Extended Operation

(b) Letter from J. E. Pacher (NMPNS) to Document Control Desk (NRC), dated March 25, 2011, Request to Utilize an Alternative to the Requirements of 10 CFR 50.55a(g) for the Repair of Control Rod Drive Housing Penetrations for the Remainder of the License Renewal Period of Extended Operation

(c) Letter from P. M. Swift (NMPNS) to Document Control Desk (NRC), dated April 9, 2012, Request to Utilize an Alternative to the Requirements of 10 CFR 50.55a(g) for the Repair of Control Rod Drive Housing Penetrations – Response to Follow-up Request for Additional Information

By letter dated March 4, 2011 (Reference a), Nine Mile Point Nuclear Station, LLC (NMPNS) requested NRC approval of an alternative weld repair strategy for Nine Mile Point Unit 1 (NMP1) Control Rod Drive (CRD) housing penetrations. Attachment 4 of Reference (a) was an affidavit from AREVA NP Inc. justifying withholding proprietary information that was included as Attachment 5 of Reference (a). NMPNS subsequently replaced Reference (a) in its entirety with a revised request in a letter dated March 25, 2011 (Reference b). Attachment 4 of Reference (b) was an affidavit from AREVA NP Inc. justifying withholding proprietary information that was included as Attachment 5 of Reference (b). At the request of the NRC project manager for NMP1, a revised affidavit, addressing the proprietary information contained

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in Attachment 5 of Reference (a) and Attachment 5 of Reference (b), is hereby provided in Attachment 1 of this letter.

By letter dated April 9, 2012 (Reference c), NMPNS responded to an NRC request for additional information regarding the proposed alternative weld repair strategy for NMP1 CRD housing penetrations. Attachment 4 of Reference (c) was an affidavit from AREVA NP Inc. justifying withholding proprietary information that was included in Attachment 5 of Reference (c). At the request of the NRC project manager for NMP1, a revised affidavit, addressing the proprietary information contained in Attachment 5 of Reference (c), is hereby provided in Attachment 2 of this letter.

This submittal 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,

Paul M. Swift
Manager Engineering Services

PMS/DEV

Attachments:
1. Revised Affidavit from AREVA NP Inc. Justifying Withholding Proprietary Information Contained in AREVA Document Nos. 32-9138065-001 and 32-9138065-002
2. Revised Affidavit from AREVA NP Inc. Justifying Withholding Proprietary Information Contained in the Document entitled "White Paper Regarding Peening"

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

ATTACHMENT 1

REVISED AFFIDAVIT FROM AREVA NP INC. JUSTIFYING WITHHOLDING PROPRIETARY INFORMATION CONTAINED IN AREVA DOCUMENT NOS. 32-9138065-001 AND 32-9138065-002

This affidavit replaces the ones that were provided in Attachment 4 of the NMPNS letter dated March 4, 2011 and in Attachment 4 of the NMPNS letter dated March 25, 2011.

AFFIDAVIT

COMMONWEALTH OF VIRGINIA)
) ss.
CITY OF LYNCHBURG)

1. My name is Gayle F. Elliott. I am Manager, Product Licensing, for AREVA NP Inc. (AREVA NP) and as such I am authorized to execute this Affidavit.

2. I am familiar with the criteria applied by AREVA NP to determine whether certain AREVA NP information is proprietary. I am familiar with the policies established by AREVA NP to ensure the proper application of these criteria.

3. I am familiar with the AREVA NP information contained in Document No. 32-9138065-001 entitled "CRD Housing IDTB Weld Anomaly Analysis" and Document No. 32-9138065-002 entitled "NMP-1 CRD Housing IDTB Weld Anomaly Analysis," and referred to herein as "Documents." Information contained in these Documents has been classified by AREVA NP as proprietary in accordance with the policies established by AREVA NP for the control and protection of proprietary and confidential information. The proprietary information is identified by its enclosure within pairs of braces ("{ }").

4. These Documents contain information of a proprietary and confidential nature and is of the type customarily held in confidence by AREVA NP and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in these Documents as proprietary and confidential.

5. These Documents have been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in these Documents be withheld from public disclosure. The request for withholding of proprietary information is

made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."

6. The following criteria are customarily applied by AREVA NP to determine whether information should be classified as proprietary:

(a) The information reveals details of AREVA NP's research and development plans and programs or their results.

(b) 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.

(c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.

(d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA NP in product optimization or marketability.

(e) The information is vital to a competitive advantage held by AREVA NP, would be helpful to competitors to AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

The information in these Documents is considered proprietary for the reasons set forth in paragraphs 6(b) and 6(c) above.

7. In accordance with AREVA NP's policies governing the protection and control of information, proprietary information contained in these Documents have been made available, on a limited basis, to others outside AREVA NP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. AREVA NP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

9. The foregoing statements are true and correct to the best of my knowledge, information, and belief.

SUBSCRIBED before me this 14th

day of May 2012.

Kathleen Ann Bennett
NOTARY PUBLIC, COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES: 8/31/15
Reg. # 110864

KATHLEEN ANN BENNETT
Notary Public
Commonwealth of Virginia
110864
My Commission Expires Aug 31, 2015

ATTACHMENT 2

REVISED AFFIDAVIT FROM AREVA NP INC. JUSTIFYING WITHHOLDING PROPRIETARY INFORMATION CONTAINED IN THE DOCUMENT ENTITLED "WHITE PAPER REGARDING PEENING"

This affidavit replaces the one that was provided in Attachment 4 of the NMPNS letter dated April 9, 2012.

AFFIDAVIT

COMMONWEALTH OF VIRGINIA)
) ss.
CITY OF LYNCHBURG)

1. My name is Gayle F. Elliott. I am Manager, Product Licensing, for AREVA NP Inc. (AREVA NP) and as such I am authorized to execute this Affidavit.

2. I am familiar with the criteria applied by AREVA NP to determine whether certain AREVA NP information is proprietary. I am familiar with the policies established by AREVA NP to ensure the proper application of these criteria.

3. I am familiar with the AREVA NP information contained in the White Paper entitled "White Paper Regarding Peening," submitted April 2012 and referred to herein as "Document." Information contained in this Document has been classified by AREVA NP as proprietary in accordance with the policies established by AREVA NP for the control and protection of proprietary and confidential information. The proprietary information is identified by its enclosure within pairs of double square brackets ("[[ ]]").

4. This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by AREVA NP and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in this Document as proprietary and confidential.

5. This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is

requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."

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(a) The information reveals details of AREVA NP's research and development plans and programs or their results.

(b) 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.

(c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.

(d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA NP in product optimization or marketability.

(e) The information is vital to a competitive advantage held by AREVA NP, would be helpful to competitors to AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

The information in the Document is considered proprietary for the reasons set forth in paragraphs 6(b) and 6(c) above.

7. In accordance with AREVA NP's policies governing the protection and control of information, proprietary information contained in this Document have been made available, on a limited basis, to others outside AREVA NP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. AREVA NP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

9. The foregoing statements are true and correct to the best of my knowledge, information, and belief.

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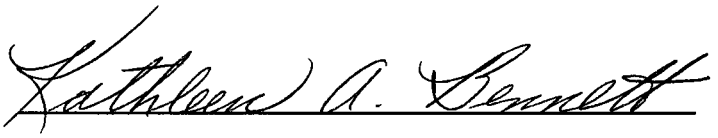
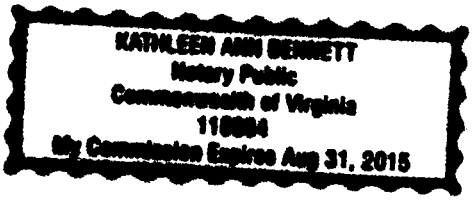
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