



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

October 9, 2013

Mr. Christopher A. Costanzo
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P. O. Box 63
Lycoming, NY 13093

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE RE:
RESPONSES TO REQUESTS FOR ADDITIONAL INFORMATION DATED
JULY 31, 2013 (TAC NO. MF0345)

Dear Mr. Costanzo:

By letter dated September 6, 2013 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML13254A156), Nine Mile Point Nuclear Station, LLC (the licensee) submitted the affidavit executed on September 5, 2013, by Linda C. Dolan, Manager Regulatory Compliance, GE-Hitachi Nuclear Energy Americas, LLC (GEH), 3901 Castle Hayne Road, Wilmington, NC28401.

The affidavit requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390(a)(4):

Enclosure 1 of GEH letter, GE-PPO-1GYEF-KGI-716, "GEH Responses to PTLR RAIs," dated September 5, 2013. The GEH proprietary information in Enclosure 1, which is entitled "Reponses to EVIB RAIs 3, 4 and 5," and contained in Attachment 3 of the CENG Letter to NRC, dated September 6, 2013, Nine Mile Point Nuclear Station, Unit No. 2; Docket No. 50-410, "Nine Mile Point Nuclear Station License Amendment Request to Relocate the Pressure and Temperature Limit Curves to the Pressure and Temperature Limits Report – Supplemental Information in Response to NRC Request for Additional Information (TAC No. MF0345)" (ADAMS Accession No. ML13254A157).

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (4) The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. Some examples of categories of information that fit into the definition of proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies;

- b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;
- (8) The information identified in paragraph (2), above [of the affidavit], is classified as proprietary because it contains the detailed GEH methodology for pressure-temperature curve analysis for the GEH Boiling Water Reactor (BWR). These methods, techniques, and data along with their application to the design, modification, and analyses associated with the pressure-temperature curves were achieved at a significant cost to GEH.

The development of the evaluation processes along with the interpretation and application of the analytical results is derived from the extensive experience databases that constitute a major GEH asset.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the submitted information in Attachment 4 of the submission, 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. Please note that contrary to the reason (c) stated in the affidavit from EPRI, the entire Report will not be withheld from public disclosure.

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, 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, you should promptly notify the Nuclear Regulatory Commission (NRC). You also should understand that 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 your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

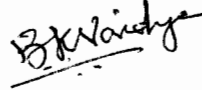
C. A. Costanzo

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A Nonproprietary version of Attachment 3 of the licensee submittal (Attachment 1 of the licensee's submittal, ADAMS Accession No. ML13254A155) has been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room.

If you have any questions regarding this matter, I may be reached at 301-415-3308.

Sincerely,

A handwritten signature in black ink, appearing to read "B. K. Vaidya", with a horizontal line underneath the name.

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-410

cc:

Linda C. Dolan, Manager Regulatory Compliance,
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Rd.
Wilmington, NC 28401

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C. A. Costanzo

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Sincerely,

/ra/

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-410

cc:

Linda C. Dolan, Manager Regulatory Compliance,
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Rd.
Wilmington, NC 28401

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NAME	BVaidya	KGoldstein	SRosenberg	CJackson	RBeall	BVaidya
DATE	09/17/13	09/17/13	10/09/13	10/09/13	10/09/13	10/09/13

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