



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

November 6, 2014

Mr. Christopher Costanzo
Vice President Nine Mile Point
Exelon Generation Company, LLC
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: LICENSE AMENDMENT REQUEST PURSUANT TO 10 CFR 50.90: MAXIMUM EXTENDED LOAD LINE LIMIT ANALYSIS PLUS, DATED SEPTEMBER 15, 2014 (TAC NO. MF3056)

Dear Mr. Costanzo:

By letter dated September 15, 2014 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML14266A190), Exelon Generation Company, LLC (Exelon, the licensee) submitted the following two affidavits:

1. Executed by Linda C. Dolan, Manager, Regulatory Compliance, Regulatory Affairs, GE-Hitachi Nuclear Energy Americas, LLC (GEH), 3901 Castle Hayne Road, Wilmington, NC 28401, on August 29, 2014.
2. Executed by Peter M. Yandow, Vice President, Nuclear Plant Projects [NPP] /Services Licensing, Regulatory Affairs, GE-Hitachi Nuclear Energy Americas, LLC (GEH), 3901 Castle Hayne Road, M/C A-65, Wilmington, NC 28401, on September 3, 2014.

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

The information sought to be withheld is contained in Enclosure 1 of GEH letter, GE-PPO-IGYEF-KG1-740, "GEH Responses to NMP2 MELLLA+ SRXB(2) RAIs 1, 2, 3, 8-14, 18, 20, 22, & 23" dated August 29, 2014 (Your letter dated September 15, 2014, Attachment 3).

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

The information sought to be withheld is contained in Enclosure 1 of GEH letter, GE-PPO-IGYEF-KG1-741, "GEH Responses to NMP2 MELLLA+ SRXB(2) RAIs 4, 6, 15, 16, & 19" dated September 4, 2014 (Your letter dated September 15, 2014, Attachment 3).

Both of the affidavits 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) is classified as proprietary because it contains detailed results and conclusions regarding supporting evaluations of the safety-significant changes necessary to demonstrate the regulatory acceptability of the Maximum Extended Load Line Limit Analysis Plus analysis for a GEH Boiling Water Reactor ("BWR"). The analysis utilized analytical models and methods, including computer codes, which GEH has developed, obtained NRC approval of, and applied to perform evaluations of Maximum Extended Load Line Limit Analysis Plus for a GEH BWR.

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

The information identified in the affidavit is contained in Attachment 3 (ADAMS Accession No. ML14266A186) of the Exelon Letter to NRC, dated September 15, 2014, Nine Mile Point Nuclear Station, Unit No. 2; Renewed Facility Operating License No. NPF-69, Docket No. 50-410, "Response to Request for Additional Information Nine Mile Point Nuclear Station License Amendment Request for Maximum Extended Load Line Limit Analysis Plus [Responses to RAIs SRXB(2) 1 through 23 (TAC No. MF3056)]".

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 3 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.

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.

The Nonproprietary versions of Attachment 3 of the licensee submittal (Attachment 2 of the licensee's submittal, part of ADAMS Accession No. ML14266A185) 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,



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:

Peter M. Yandow,
Manager, Nuclear Plant Projects/Services Licensing, Regulatory Affairs,
GE-Hitachi Nuclear Energy Americas, LLC,
3901 Castle Hayne Road, M/C A-65
Wilmington, NC28401

Linda C. Dolan,
Manager, Regulatory Compliance, Regulatory Affairs,
GE-Hitachi Nuclear Energy Americas, LLC (GEH),
3901 Castle Hayne Road,
Wilmington, NC 28401

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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:

Peter M. Yandow,
 Manager, Nuclear Plant Projects/Services Licensing, Regulatory Affairs,
 GE-Hitachi Nuclear Energy Americas, LLC,
 3901 Castle Hayne Road, M/C A-65
 Wilmington, NC28401

Linda C. Dolan,
 Manager, Regulatory Compliance, Regulatory Affairs,
 GE-Hitachi Nuclear Energy Americas, LLC (GEH),
 3901 Castle Hayne Road,
 Wilmington, NC 28401

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