



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

September 14, 2016

Mr. Mark E. Reddemann
Chief Executive Officer
Energy Northwest
P.O. Box 968 (Mail Drop 1023)
Richland, WA 99352-0968

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR COLUMBIA GENERATING STATION (CAC NO. MF8060)

Dear Mr. Reddemann:

By letter dated June 28, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16183A365), you submitted an affidavit dated June 9, 2016, executed by Mr. James F. Harrison, Vice President, Regulatory Affairs, Fuel Licensing, GE-Hitachi Nuclear Energy Americas LLC (GEH), requesting 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:

NEDC-33853P, "Safety Analysis Report for Columbia Generating Station Thermal Power Optimization" Revision 0, June 2016.

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

The information identified in paragraph (2) [of the June 9, 2016, affidavit] is classified as proprietary because it contains the detailed GEH methodology for thermal power optimization for GEH Boiling Water Reactors (BWRs). Development of these methods, techniques, and information and their application for the design, modification, and analyses methodologies and process as achieved at significant cost to GEH.

The value of this information to GEH would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GEH of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

Additionally, by letter dated June 28, 2016, you submitted an affidavit dated June 16, 2016, executed by Mr. Neil Wilmschurst, Vice President and Chief Nuclear Officer, Electric Power

Research Institute, Inc. (EPRI), requesting that the information contained in the following document be withheld from public disclosure pursuant to 10 CFR, Part 2, Section 2.390:

NEDC-33853P, "Safety Analysis Report for Columbia Generating Station Thermal Power Optimization" Revision 0, June 2016.

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

- c. The information sought to be withheld is considered to be proprietary for the following reasons. EPRI made a substantial economic investment to develop the Proprietary Information and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Proprietary Information. If the Proprietary Information were publically available to consultants and/or businesses providing services in the electric and/or nuclear power industry, they would be able to use the Proprietary Information for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Proprietary Information.
- f. A public disclosure of the Proprietary Information would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Proprietary Information both domestically and internationally. The Proprietary Information can only be acquired and/or duplicated by other using an equivalent investment of time and effort.

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 General Electric-Hitachi (GEH) Report NEDC-33853P, "Safety Analysis Report for Columbia Generating Station Thermal Power Optimization" Revision 0, 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.

M. Reddemann

- 3 -

If you have any questions regarding this matter, I may be reached at (301) 415-5136 or via e-mail at John.Klos@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. John Klos', written over a horizontal line.

L. John Klos, Project Manager
Plant Licensing Branch IV-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-397

cc: James F. Harrison
Vice President, Fuel Licensing
GE-Hitachi Nuclear Energy Americas, LLC
3901 Castle Hayne Road
Wilmington, NC 28401

Neil Wilmshurst
Vice President and Chief Nuclear Officer
Electric Power Research Institute
1300 West W.T. Harris Boulevard
Charlotte, NC 28262-8550

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M. Reddemann

- 3 -

If you have any questions regarding this matter, I may be reached at (301) 415-5136 or via e-mail at John.Klos@nrc.gov.

Sincerely,

/RA/

L. John Klos, Project Manager
Plant Licensing Branch IV-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-397

cc: James F. Harrison
Vice President, Fuel Licensing
GE-Hitachi Nuclear Energy Americas, LLC
3901 Castle Hayne Road
Wilmington, NC 28401

Neil Wilmschurst
Vice President and Chief Nuclear Officer
Electric Power Research Institute
1300 West W.T. Harris Boulevard
Charlotte, NC 28262-8550

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***via email**

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