



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

NOV 6 1985

Docket No. 50-410

Mr. B. G. Hooten  
Executive Director of Nuclear Operations  
Niagara Mohawk Power Corporation  
300 Erie Boulevard West  
Syracuse, New York 13202

Dear Mr. Hooten:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR  
NINE MILE POINT UNIT 2

By letters dated September 16, 1985 and September 30, 1985, from Messrs. T. E. Lempges and C. V. Mangan, Niagara Mohawk submitted certain figures and information marked proprietary in response to SER Confirmatory issue 13, pool dynamics. These letters further requested that this information be withheld from public disclosure pursuant to 10 CFR 2.790. The information submitted is to be incorporated into FSAR section 6A in a future supplement.

The above referenced letters included as an attachment an affidavit from Pennsylvania Power and Light Company, as owners of the information, stating the basis for withholding these documents is as follows:

1. Kraftwerk Union Aktiengesellschaft (KWU) developed a quencher technology as a means of pressure suppression in a wetwell containment system. This technology was developed by KWU during a research program which cost considerable amounts of time and money. The information developed during this research program is not available to the public. PP&L entered into a contract with KWU for, inter alia, the purchase of an information package that was developed by KWU during its research program.
2. Part of the contractual arrangement between KWU and PP&L involved KWU performing a full scale test simulating the parameters that exist at PP&L's Susquehanna Steam Electric Station (Susquehanna). The purpose of this test was to verify the design analyses used to engineer the quencher device. PP&L submitted to the NRC its Susquehanna DAR (see Docket Nos. 50-387 and 50-388) which explained the response of the containment system to safety relief valve (SRV) discharge and loss of coolant accident (LOCA) loads, and contained certain information considered by PP&L as proprietary. These proprietary portions of the Susquehanna DAR concerned the full scale test portion of the PP&L and KWU efforts and the design

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technique for assessing the containment system margins. The document is of considerable importance because it enables one to define loads associated with SRV discharge. The document, therefore, is a valuable tool in applying the KWU information.

3. Although the Susquehanna DAR and the KWU information was prepared specifically for application to Susquehanna, it is of value to anyone desiring to apply it to any plant employing a similar pressure suppression system. Because of the value of this information and its market potential, PP&L considers it to be the type that is customarily held in confidence. As a result, PP&L requested, and the NRC agreed, to withhold this information from public disclosure pursuant to 10 CFR §2.790.
4. Appendix 6A of the Nine Mile Point Unit 2 FSAR is based on the Susquehanna DAR and the KWU information. It was developed as a result of significant effort and expense by PP&L. PP&L has spent considerable time and money in obtaining a contract with KWU, and developing the test plan and test matrix. PP&L thus far has paid KWU approximately \$4.5 million in connection with the KWU contract.
5. Pursuant to an agreement dated August 10, 1978, PP&L sold to NMPC the right to use the KWU information described herein for NMPC's Nine Mile Point Unit 2 Nuclear Generating Station. Pursuant to the agreement, NMPC is required to maintain the proprietary and confidential nature of the information contained in Appendix 6A of the Nine Mile Point Unit 2 FSAR.
6. The information contained in Appendix 6A of the Nine Mile Point Unit 2 FSAR has been and will continue to be held in strict confidence. External distribution of this information is restricted. Each of the recipients of this information has promised to honor the proprietary value of the information and is precluded from using this information for any purpose other than certain specific enumerated applications. These recipients limit the access of the information to those persons in their employ who have a need to use the information in the performance of their duties.
7. None of the information provided herein will be found in any public sources.
8. Because of the expense it has incurred in the development of this information, the marketability of this information, which will enable it to recoup a portion of these expenses, and the economic harm that PP&L would suffer from its inability to sell the information, the need for protecting PP&L's interest outweighs the interest involved in public disclosure.



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We have reviewed your application and the material based on the requirements and criteria of 10 CFR §2.790 and, on the basis of PP&L's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information.

It is our belief, pursuant to 10 CFR §2.790(b)(5) and Section 103(b) of the Atomic Energy act of 1954, as amended, that, at this time, the right of the public to be fully apprised of the submitted information does not outweigh the need to protect PP&L's competitive position.

Accordingly, we have determined that the information should be withheld from public disclosure.

We therefore, approve Niagara Mohawk's request for withholding pursuant to 10 CFR §2.790 and are withholding certain figures and information from public inspection as proprietary.

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, insure 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 NRC. You should also understand that the NRC may have cause to review this determination in the future, such as if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,



Walter R. Butler, Chief  
Licensing Branch No. 2  
Division of Licensing

cc: See next page



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Sincerely,

Walter R. Butler, Chief  
Licensing Branch No. 2  
Division of Licensing

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Mr. B. G. Hoeten  
Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station  
Unit 2

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