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SUBJECT: Forwards updated affidavit, executed by G T Jones of PP&L containing full statement of reasons for request for withholding from public disclosure. Requests that Unit 2 USAR App 6D matl be withheld per 10CFR2.790.

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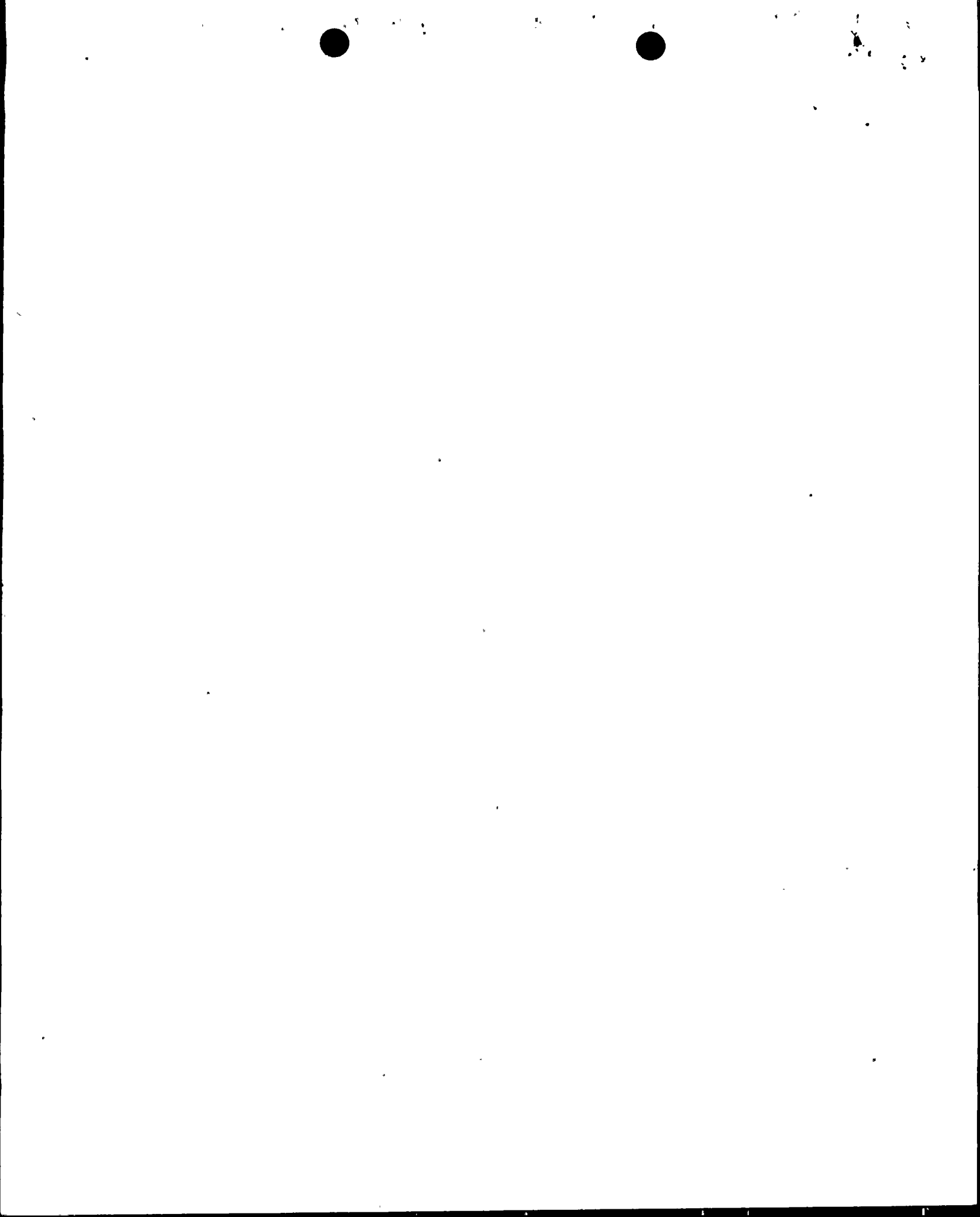
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B. Ralph Sylvia  
Executive Vice President  
Nuclear

April 28, 1994  
NMP2L 1467

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D.C. 20555

10 C.F.R. §2.790

Re: Nine Mile Point Unit 2  
Docket No. 50-410  
NPF-69

Gentlemen:

**SUBJECT: UPDATED 10 C.F.R. §2.790 AFFIDAVIT**

In conjunction with the submittal of Revision 5 to the Nine Mile Point Unit 2 Updated Safety Analysis Report (USAR), Niagara Mohawk Power Corporation's letter NMP2L 1449, dated October 29, 1993, requested that certain information owned by Pennsylvania Power & Light Company, which had previously been granted proprietary status by the Commission, continue to be treated by the Commission as confidential and proprietary and be withheld from public disclosure pursuant to 10 C.F.R. §2.790.

During the course of preparation of Unit 2 USAR Revision 5, Niagara Mohawk requested that Pennsylvania Power & Light Company review the proprietary information and its original affidavit for continued applicability. Niagara Mohawk made this request because of the time that had passed since the original submittal of the proprietary information. This review was not completed prior to the submittal of Revision 5 to the Nine Mile Point Unit 2 USAR. Therefore, our request was accompanied by the original affidavit executed by Pennsylvania Power & Light Company on January 26, 1983. Pennsylvania Power & Light Company has subsequently completed its review.

In conjunction with Niagara Mohawk's letter NMP2L 1449, dated October 29, 1993, enclosed herewith is an updated affidavit, executed by Mr. George T. Jones of Pennsylvania Power & Light Company, containing a full statement of the reasons for the request for withholding from public disclosure. For the reasons stated in our letter dated October 29, 1993, and in the enclosed affidavit, Niagara Mohawk requests that the material contained in Unit 2 USAR Appendix 6D continue to be withheld from public disclosure pursuant to 10 C.F.R. §2.790.

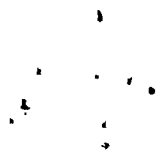
Very truly yours,



B. Ralph Sylvia  
Exec. Vice President-Nuclear

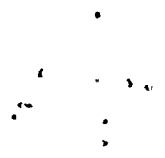
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JJL/pr  
Enclosure

pc: Mr. T. T. Martin, Regional Administrator, Region I  
Mr. R. A. Capra, Director, Project Directorate I-1, NRR  
Mr. J. E. Menning, Project Manager NRR  
Mr. B. S. Norris, Senior Resident Inspector  
Records Management



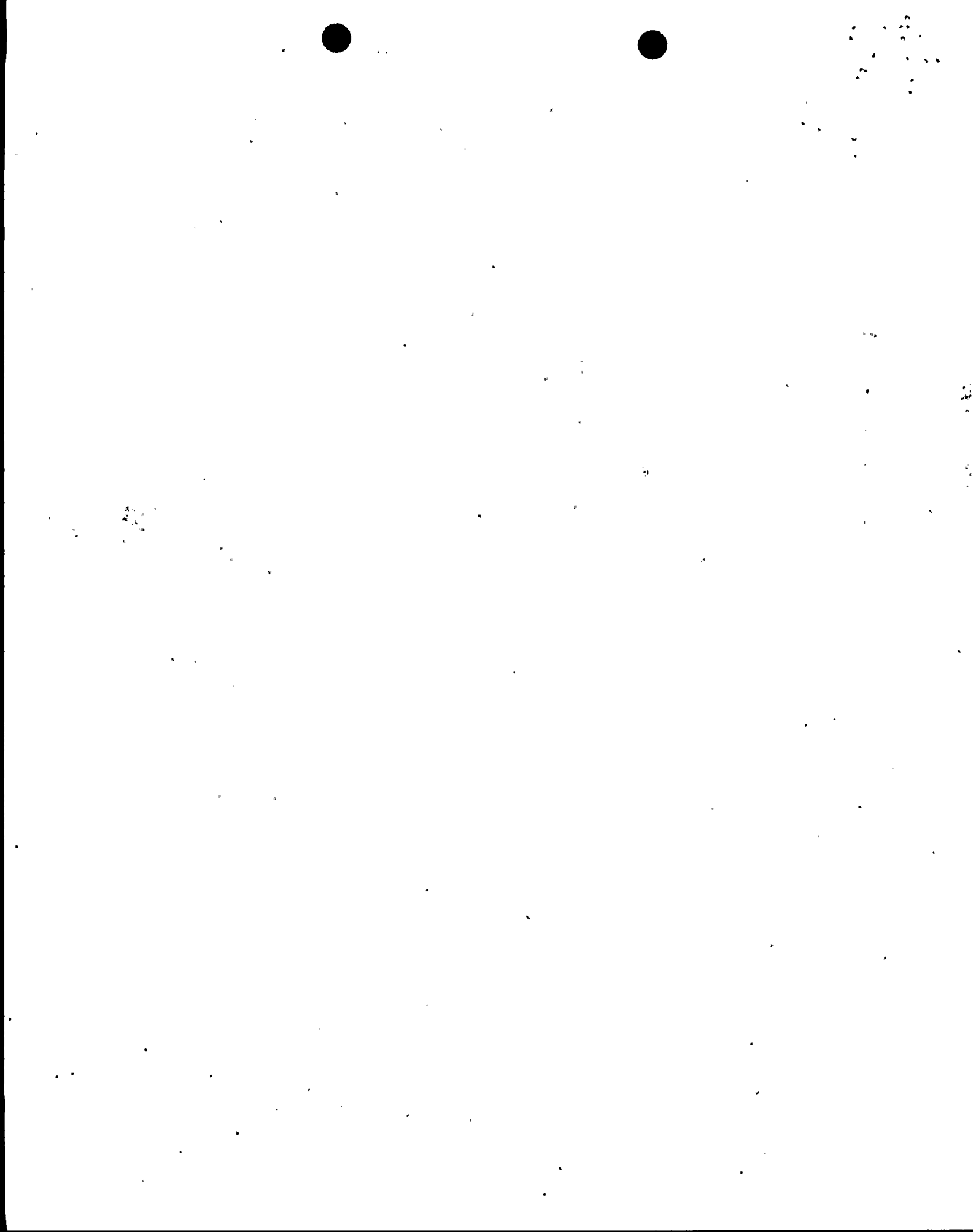
COMMONWEALTH OF PENNSYLVANIA )  
 ) : ss  
COUNTY OF LEHIGH )

I, George T. Jones, being duly sworn according to law depose and say that I am Vice President - Nuclear Engineering of Pennsylvania Power & Light Company (PP&L), and that:

1. For the reasons listed below, portions of Appendix 6D of the Niagara Mohawk Power Corporation Nine Mile Point Unit Two Updated Safety Analysis Report (USAR) and portions of Appendix 6A of the Niagara Mohawk Power Corporation Unit Two Final Safety Analysis Report (FSAR) (Appendix 6A of the Nine Mile Point Unit Two FSAR was filed with the U.S. Nuclear Regulatory Commission (NRC) by Niagara Mohawk Power Corporation (NMPC) in connection with its License Application at Docket No. 50-410), contain information considered by PP&L to be confidential information containing trade secrets and should be withheld from public disclosure.

2. In support of its averment that the above-mentioned information is confidential, PP&L provides the following reasons:

- a. 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. PP&L sent copies of the information package to the NRC. This information was accompanied by an affidavit signed by KWU requesting the NRC to withhold it from public disclosure.
- b. 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 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.

- c. 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.
- d. Appendix 6D of the Nine Mile Point Unit Two USAR and Appendix 6A of the Nine Mile Point Unit Two FSAR are based on the Susquehanna DAR and the KWU information. Information contained in Appendix 6D of the Nine Mile Point Unit Two USAR and Appendix 6A of the Nine Mile Point FSAR 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.
- e. Pursuant to an agreement dated August 10, 1978, PP&L sold to NMPC the right to use the KWU information described herein for MNPC's Nine Mile Point Nuclear Station. Pursuant to the agreement NMPC is required to maintain the proprietary and confidential nature of the information contained in Appendix 6D of the Nine Mile Point Unit 2 USAR and Appendix 6A of the Nine Mile Point Unit Two FSAR.
- f. The information contained in Appendix 6D of the Nine Mile Point Unit Two USAR and Appendix 6A of the Nine Mile Point Unit Two 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 per-



sons in their employ who have a need to use the information in the performance of their duties.

- g. None of the information provided therein will be found in any public sources.
- h. 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.

  
\_\_\_\_\_  
George T. Jones  
Vice President-Nuclear Engineering

Sworn and subscribed  
before me this 17<sup>th</sup>  
day of March, 1993 1994

  
\_\_\_\_\_  
Notary Public

Notarial Seal  
Martha C. Sedora, Notary Public  
Allentown, Lehigh County  
My Commission Expires Jan. 15, 1998  
Member, Pennsylvania Association of Notaries

