



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

October 21, 1994

Dr. Michael P. Manahan, Sr.
MPM Research & Consulting
P.O. Box 840
915 Pike Street
Lemont, PA 16851-0840

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE - NINE MILE POINT NUCLEAR STATION UNIT NO. 1 (TAC NO. M90288)

Dear Dr. Manahan:

By letter dated September 1, 1994, Niagara Mohawk Power Corporation (NMPC) submitted an application for amendment to the Nine Mile Point Unit 1 Operating License. The application included MPM Research and Consulting Proprietary Report No. MPM-69437 entitled, "Pressure-Temperature Operating Curves for Nine Mile Point Unit 1," and an affidavit, dated August 10, 1994, from Michael P. Manahan, Sr., MPM Research and Consulting, which stated that the MPM-69437 contained proprietary information and requested that parts of MPM-69437 be withheld from public disclosure pursuant to 10 CFR 2.790. By letter dated September 14, 1994, NMPC provided a nonproprietary version of the subject report for placement in the NRC Public Document Room for public inspection.

In his affidavit, Dr. Manahan stated that the proprietary information submitted in MPM-69437 should be considered exempt from public disclosure for the following reasons:

- Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by MPM Research and Consulting's competitors without license from MPM Research and Consulting constitutes a competitive economic advantage over other companies;
- Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;

The information identified in paragraph (2), above, is classified as proprietary because it contains calculative procedures, models, methods, and processes which MPM Research & Consulting has developed for calculation of Pressure-Temperature (P-T) curves for nuclear reactor pressure vessels in-lieu of the P-T curves which are obtained using the NRC recommended method.

We have reviewed Dr. Manahan's affidavit and the material based on the requirements and criteria of 10 CFR 2.790 and, on the basis of MPM Research

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October 21, 1994

and Consulting statements, have determined that the submitted information sought to be withheld contains trade secrets for proprietary commercial information.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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 U.S. Nuclear Regulatory Commission (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 makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,



Ledyard B. Marsh, Director
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-220

cc: See next page



Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station
Unit No. 1

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Sincerely,

Original signed by:

Ledyard B. Marsh, Director
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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cc: See next page

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