

57-220
Docket
File



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
January 30, 1995

Mr. B. Ralph Sylvia
Executive Vice President, Nuclear
Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station
P.O. Box 63
Lycoming, NY 13093

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

Dear Mr. Sylvia:

By letter dated December 5, 1994, Niagara Mohawk Power Corporation (NMPC) submitted a response to our November 21, 1994, request for additional information regarding a September 1, 1994, proposed license amendment to change the pressure-temperature limit curves for NMP-1. The November 21, 1994, submittal included Final Report MPM-59401, "Plant-Specific Charpy Shift Model for Nine Mile Point Unit 1," May 1994, that was requested to be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version of MPM-59401 was submitted by NMPC's December 20, 1994, letter.

An affidavit dated December 2, 1994, by Michael P. Manahan, Sr., of MPM Research and Consulting (MPM), stated that information contained in MPM-59401 should be considered exempt from mandatory public disclosure for the following reasons:

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by MPM Research & Consulting's competitors without license from MPM Research & Consulting constitutes a competitive economic advantage over other companies;
- b. 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;

Final Report MPM-59401 is classified as proprietary because it contains advanced calculative procedures, models, methods, and processes which MPM Research & Consulting has developed for calculation of accurate and conservative Charpy curve shift estimates due to neutron irradiation of nuclear reactor pressure vessels in-lieu of the overly conservative estimates which are obtained using simplistic overly conservative models.

The development and implementation of MPM Research & Consulting's Charpy shift methodology was achieved at a significant cost, on the order of two hundred thousand dollars, to MPM Research & Consulting. The development of the

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calculative procedures and models, and the interpretation and application of these models are derived from the extensive experience database that constitutes a major asset of MPM Research & Consulting.

We have reviewed NMPC's application, MPM's affidavit, and MPM-59401 in accordance with the requirements of 10 CFR 2.790 and, on the basis of the statements contained in Mr. Manahan's affidavit, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information. Therefore, the version of the information marked as proprietary will be withheld from the 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 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.

Sincerely,
Original signed by
Donald S. Brinkman, Senior Project Manager
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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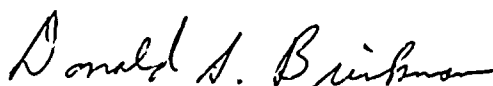
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Sincerely,



Donald S. Brinkman, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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B. Ralph Sylvia
Niagara Mohawk Power Corporation

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