



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

November 17, 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 (TAC NO. M90288)

Dear Mr. Sylvia:

By your application dated October 19, 1995, and affidavit executed by Michael Manahan, Sr., of MPM Research and Consulting dated October 19, 1995, you submitted "Technical Basis for the Development of the NMP-1 Plant-Specific Charpy Shift Model," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. You stated that a non-proprietary version of the document would be submitted by November 17, 1995.

You stated that the submitted information 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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information.

Therefore, the version of the submitted 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

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Mr. B. Sylvia

-2-

November 17, 1995

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:

Gordon E. Edison, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-220

cc: See next page

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Mr. B. Sylvia

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Sincerely,



Gordon E. Edison, Senior Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-220

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B. Ralph Sylvia
Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station
Unit No. 1

cc:

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