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 TERRY, C.D.    Niagara Mohawk Power Corp. *See proposed change*  
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SUBJECT: Application for amend to license DPR-63, revising TS section 3.2.2, "Minimum Reactor Vessel Temperature For Pressurization," & assoc bases.

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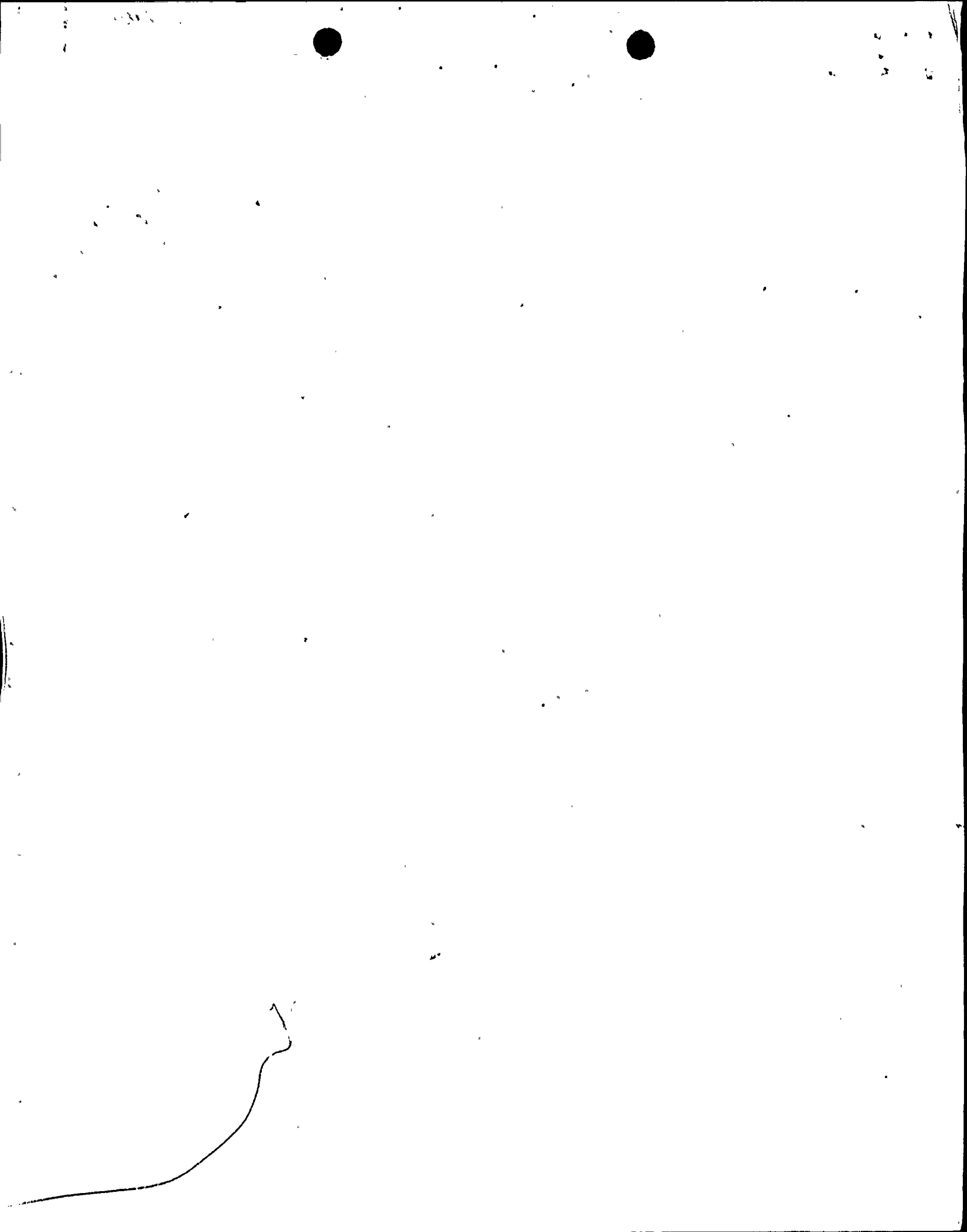
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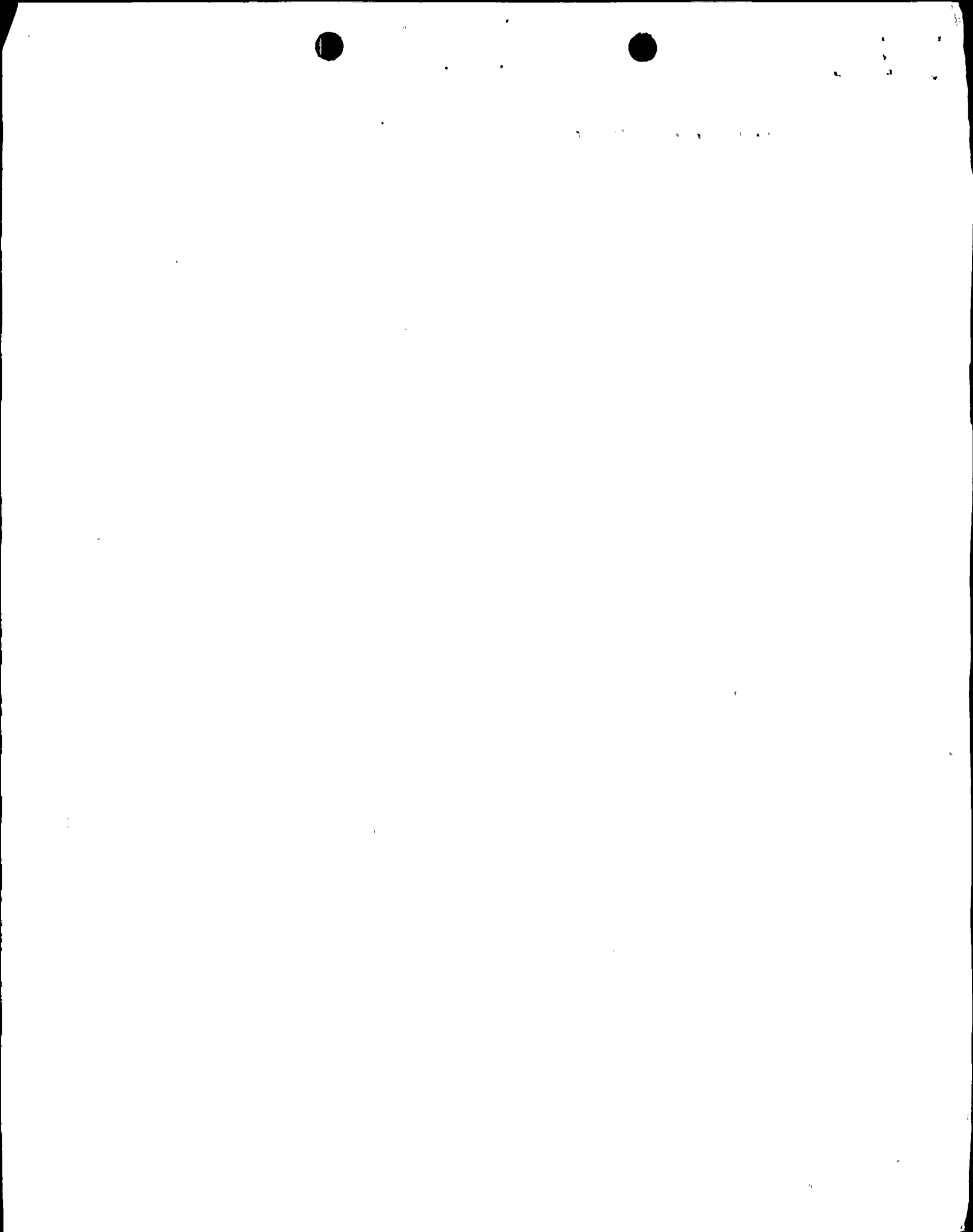
September 1, 1994  
NMP1L 0858U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555RE: Nine Mile Point Unit 1  
Docket No. 50-220  
DPR-63

Gentlemen:

Niagara Mohawk Power Corporation hereby transmits an Application for Amendment to Nine Mile Point Unit 1 Operating License DPR-63. Also enclosed as Attachment A are the proposed changes to the Technical Specifications as set forth in Appendix A to the above mentioned license. Supporting information and analyses demonstrating that the proposed changes involve no significant hazards consideration pursuant to 10CFR50.92 are included as Attachment B.

The proposed Technical Specifications contained herein represent revisions to Section 3.2.2, "Minimum Reactor Vessel Temperature for Pressurization," and the associated Bases. The proposed amendment replaces existing Figures 3.2.2.a,b,c,d and e and associated Tables 3.2.2.a,b,c,d and e, that define the limits for minimum reactor vessel temperature for pressurization and account for neutron damage at exposures up to 18 effective full power years (EFPY), with new figures and tables also applicable for up to 18 EFPY. The new pressure-temperature limits were developed based on a plant-specific Charpy shift model for Nine Mile Point Unit 1 which is consistent with and meets the requirements of Regulatory Guide 1.99, Revision 2, "Radiation Embrittlement of Reactor Vessel Materials." The pressure-temperature limits were calculated in accordance with 10CFR50, Appendix G, and with the requirements specified in Appendix G to Section III of the ASME Code.

Also enclosed as Attachment C are detailed discussions concerning the calculative procedures for generating the new pressure-temperature limits in a report entitled, "Nine Mile Point Unit 1 Pressure-Temperature Operating Curves," MPM-69437, August 1994. Attachment C contains information considered by its preparer, MPM Research & Consulting, to be proprietary. Therefore, in accordance with 10CFR2.790(b)(1), on behalf of MPM Research & Consulting, Niagara Mohawk Power Corporation hereby makes application for withholding of proprietary information contained in Attachment C. In support of this application, enclosed as Attachment D is an affidavit containing a full statement of the reasons for this request for withholding from public disclosure executed by Michael P. Manahan, Sr.



The proposed amendment will shift the pressure-temperature limit curves to lower temperatures (increased operating window) and allow Nine Mile Point Unit 1 to conduct in-service leak testing below 212°F. This will reduce the in-service leak test duration by approximately eight hours. In addition, outage scheduling flexibility will be increased because of reduced Technical Specification requirements at the lower test temperature. Niagara Mohawk requests approval of this amendment by February 1, 1995 to support the upcoming refueling outage.

Niagara Mohawk is submitting this Application for Amendment as a cost beneficial licensing action (CBLA). A direct cost avoidance of approximately \$80,000 will occur during the performance of each in-service leak test based on the reduced testing time. The reduced in-service testing requirement will result in a total cost savings of \$560,000 over the life of the plant. The increase in outage scheduling flexibility may also result in additional cost savings based on the potential for reducing the outage length by a day or more.

Pursuant to 10CFR50.91(b)(1), Niagara Mohawk has provided a copy of this license amendment request and the associated analyses regarding no significant hazards consideration to the appropriate state representative.

Very truly yours,



C. D. Terry  
Vice President - Nuclear Engineering

AER/lmc  
Attachments

xc: Regional Administrator, Region I  
Mr. B. S. Norris, Senior Resident Inspector  
Mr. D. S. Brinkman, Senior Project Manager, NRR  
Mr. M. L. Boyle, Acting Director, Project Directorate I-1, NRR  
Ms. Donna Ross  
Division of Policy Analysis and Planning  
New York State Energy Office  
Agency Building 2  
Empire State Plaza  
Albany, NY 12223  
Records Management

UNITED STATES NUCLEAR REGULATORY COMMISSION

In the matter of )  
 )  
NIAGARA MOHAWK POWER CORPORATION ) Docket No. 50-220  
 )  
Nine Mile Point Nuclear Station Unit No. 1 )

APPLICATION FOR AMENDMENT TO OPERATING LICENSE

Pursuant to Section 50.90 of the Regulations of the Nuclear Regulatory Commission, Niagara Mohawk Power Corporation, holder of Facility Operating License DPR-63, hereby requests that Section 3.2.2, "Minimum Reactor Vessel Temperature for Pressurization," and the associated Bases of the Technical Specifications set forth in Appendix A to the License be amended. The proposed changes have been reviewed in accordance with Section 6.5 of the Technical Specifications.

The proposed Technical Specification changes are set forth in Attachment A to this Application. The proposed changes revise Section 3.2.2, "Minimum Reactor Vessel Temperature for Pressurization," and the associated Bases. Specifically, existing Figures 3.2.2.a,b,c,d and e and associated Tables 3.2.2.a,b,c,d and e, that define the limits for minimum reactor vessel temperature for pressurization up to 18 effective full power years (EFPY), are being replaced with new figures and tables also applicable for up to 18 EFPY. The new pressure-temperature limits were developed based on a plant-specific Charpy shift model for Nine Mile Point Unit 1 and in accordance with 10CFR50, Appendix G, Appendix G to Section III of the ASME Code, and Regulatory Guide 1.99, Revision 2, "Radiation Embrittlement of Reactor Vessel Materials."

The proposed changes would not authorize any change in the types of effluents or in the authorized power level of the facility. Supporting information and analyses that demonstrate that the proposed changes involve no significant hazards consideration pursuant to 10CFR50.92 are included as Attachment B.

WHEREFORE, Applicant respectfully requests that Appendix A to Facility Operating License No. DPR-63 be amended in the form attached hereto as Attachment A.

NIAGARA MOHAWK POWER CORPORATION  
By *C. D. Terry*  
C. D. Terry  
Vice President - Nuclear Engineering

Subscribed and Sworn to before me  
on this 1 day of Sept, 1994

*Beverly W. Ripka*  
NOTARY PUBLIC  
BEVERLY W. RIPKA  
Notary Public State of New York  
Qual. In Oswego Co. No. 4644879  
My Commission Exp. ~~Mar 31 1995~~  
2/28/96

ATTACHMENT A

NIAGARA MOHAWK POWER CORPORATION  
LICENSE NO. DPR-63  
DOCKET NO. 50-220

Proposed Changes to the Technical Specifications

Replace existing pages 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94 and 95 with the attached revised pages. These pages have been retyped in their entirety with marginal markings to indicate changes to the text, figures, and tables.



1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.





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ATTACHMENT D

NIAGARA MOHAWK POWER CORPORATION  
LICENSE NO. DPR-63  
DOCKET NO. 50-220

**MPM RESEARCH & CONSULTING  
AFFIDAVIT**



**MPM Research & Consulting**

**AFFIDAVIT**

**I, Michael P. Manahan, Sr., being duly sworn, depose and state as follows:**

- (1) I am a sole proprietor, doing business as MPM Research & Consulting, and I have reviewed the information described in paragraph (2) which is sought to be withheld, and I am fully authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in the MPM Research & Consulting proprietary report MPM-69437, "Pressure-Temperature Operating Curves for Nine Mile Point Unit 1", dated August, 1994. The proprietary information is delineated by bars marked in the margin adjacent to the specific material.
- (3) In making this application for withholding of proprietary information of which it is the owner, MPM Research & Consulting relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), 2.790(a)(4), and 2.790(d)(1) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information", and some portions also qualify under the narrower definition of "trade secret", within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975F2d871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704F2d1280 (DC Cir. 1983).
- (4) Some examples of categories of information which fit into the definition of proprietary information are:
  - 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;
  - c. Information which reveals cost or price information, production capacities, budget levels, or commercial strategies of MPM Research & Consulting, its customers, or its suppliers;



- d. Information which reveals aspects of past, present, or future MPM Research & Consulting customer-funded development plans and programs, of potential commercial value to MPM Research & Consulting;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in both paragraphs (4)a. and (4)b., above.

- (5) The information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by MPM Research & Consulting, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by MPM Research & Consulting, no public disclosure has been made, and it is not available in public sources. All disclosures to third parties including any required transmittals to NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence. Its initial designation as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in paragraphs (6) and (7) following.
- (6) Initial approval of proprietary treatment of a document is made by the president of MPM Research & Consulting, the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge. Access to such documents within MPM Research & Consulting is limited on a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the president, qualified contractors bound by a confidentiality agreement, and by MPM Research & Consulting's legal council, for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside MPM Research & Consulting are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary agreements.
- (8) The information identified in paragraph (2), above, 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 Pressure-Temperature (P-T) curves for nuclear reactor pressure vessels in-lieu of the overly conservative P-T curves which are obtained using simplistic overly conservative models.

The development and implementation of MPM Research & Consulting's P-T curve methodology was achieved at a significant cost, on the order of eight hundred thousand



dollars, to MPM Research & Consulting. The development of the 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.

- (9) Public disclosure of the information sought to be withheld would cause substantial harm to MPM Research & Consulting's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of MPM Research & Consulting's comprehensive analytical modelling technology base. Its commercial value extends beyond the original development cost, the extensive database and analytical methodology, and includes development of the expertise to determine and apply the appropriate evaluation processes.

The research, development, engineering, and analytical efforts comprise a substantial investment of time and money by MPM Research & Consulting.

MPM Research & Consulting's competitive advantage will be lost if its competitors are able to use the results of the MPM Research & Consulting experience to upgrade their own models and capabilities, or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to MPM Research & Consulting would be lost if the information were disclosed to the public. Making such information available to competitors without a similar expenditure of resources would unfairly deprive MPM Research & Consulting of its competitive advantage gained by developing valuable analytical tools.





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STATE OF PENNSYLVANIA )  
 )  
COUNTY OF CENTRE )

ss:

M.P. Manahan, Sr., being duly sworn, deposes and says:

That he has read the foregoing affidavit and the matters stated herein are true and correct to the best of his knowledge, information, and belief.

Executed at Lemont, Pennsylvania, this 18<sup>th</sup> day of AUGUST 1994.

M.P. Manahan, Sr.  
M.P. Manahan, Sr.  
MPM Research & Consulting

Subscribed and sworn before me this 10<sup>th</sup> day of August 1994.

Sally A. Greene  
Notary Public, State of Pennsylvania

NOTARIAL SEAL  
SALLY A. GREENE, Notary Public  
Ferguson Township, Centre Co.  
My Commission Expires Aug. 5, 1996.

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