

March 13, 2002

Mr. John T. Conway
Site Vice President
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE, NINE MILE POINT NUCLEAR STATION, UNIT NO. 2
(TAC NO. MB3327)

Dear Mr. Conway:

By a letter from Mr. Michael F. Peckham, dated February 21, 2002, and affidavit dated February 19, 2002, executed by Mr. Glen A. Watford of Global Nuclear Fuel - Americas, LLC (GNF-A), Constellation Nuclear submitted additional information to support an application for amendment to the Technical Specifications concerning the safety limit minimum critical power ratio. Attachment A of the February 21, 2002, letter is a technical document prepared by GNF-A, entitled "GEXL07 Correlation for GE11 Fuel," which Mr. Peckham requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. A non-proprietary version of this document has been placed in the Nuclear Regulatory Commission (NRC) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit (Attachment B of the February 21, 2002, letter) stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (i) The information contains details of GNF-A's fuel design and licensing methodology; the development of the methods used in these analyses, along with the testing, development and approval of the supporting methodology was achieved at significant cost to GNF-A or its licensor.
- (ii) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GNF-A's competitive position and foreclose or reduce the availability of profit-making opportunities.

We have reviewed Attachments A of Mr. Peckham's February 21, 2002, letter in accordance with the requirements of 10 CFR 2.790. On the basis of Mr. Watford's statements, we have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

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.

J. T. Conway

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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.

If you have any questions regarding this matter, I may be reached at 301-415-1451.

Sincerely,

/RA/

Peter S. Tam, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-410

cc: See next page

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