



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

August 29, 2011

Mr. Samuel L. Belcher
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
RE: PROPOSED LICENSE AMENDMENT FOR EXTENDED POWER UPRATE
(EPU) OPERATION – NINE MILE POINT NUCLEAR STATION, UNIT NO. 2 -
(TAC NO. ME1476)

Dear Mr. Belcher:

By letters dated October 28, 2010 and March 23, 2011, you submitted affidavits dated October 11, 2010, and March 9, 2011, respectively, both executed by Mr. James F. Harrison of GE-Hitachi Nuclear Energy Americas LLC (GEH), requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Enclosure 1 of GEH letter, GE-PPO-1GYEF-KG1-557, Garold Carlisle (GEH) to Theresa Darling (Constellation Energy Nuclear Group), "Transmittal of GEH Response to NRC Question on Licensing Basis PCT [Peak Cladding Temperature]," dated October 11, 2010.

GEH proprietary report NEDC-33636P, "Nine Mile Point Nuclear Station - Unit 2 Fuel Storage Criticality Safety Analysis of New Fuel Storage Racks – GE14," Revision 0, dated March 2011.

The affidavits 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 GEH's competitors without license from GEH constitutes a competitive economic advantage over other companies;
- b) Information that, 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 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the above listed documents marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(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 Nuclear Regulatory Commission (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 301-415-1030.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Guzman', followed by a horizontal line.

Richard V. Guzman, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-410

cc: Mr. James F. Harrison
Vice President, Fuels Licensing
Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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S. Belcher

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/ra/

Richard V. Guzman, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
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