

September 27, 2001

Mr. John H. Mueller
Chief Nuclear Officer
Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station
Operations Building, Second Floor
Lycoming, NY 13093

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE, NINE MILE POINT NUCLEAR STATION, UNIT NO. 2
(TAC NO. MB2797)

Dear Mr. Mueller:

By application dated September 14, 2001, Mr. Richard B. Abbott of Niagara Mohawk Power Corporation submitted a General Electric Company (GE) affidavit dated August 22, 2001, executed by David J. Robare of GE, for a GE report titled "H4 Shroud Weld Evaluation to Justify Continued Operation of Nine Mile Point Unit 2 Through RF09," dated August 2001. Mr. Abbott stated that the GE report contains proprietary information, and requested that the NRC staff withhold this document from public disclosure in accordance with 10 CFR 2.790(b)(1). A nonproprietary copy of this document was also submitted and has been placed in the NRC Public Document Room and added to the Agencywide Document Access and Management System's Publicly Available Records System (ADAMS PARS) Library. The GE affidavit states that the subject GE document should be considered exempt from mandatory public disclosure for the following reasons:

- (i) The information discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GE's competitors without license from GE constitutes a competitive economic advantage over other companies.
- (ii) If used by a competitor, this information 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 the subject GE report in accordance with the requirements of 10 CFR 2.790. On the basis of GE's statements, we have determined that the document contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the subject GE report submitted as an attachment to Mr. Abbott's September 14, 2001, letter 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.

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

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Nine Mile Point Nuclear Station
Unit No. 2

Regional Administrator, Region I
U. S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Resident Inspector
Nine Mile Point Nuclear Station
P.O. Box 126
Lycoming, NY 13093

Mr. Jim Rettberg
NY State Electric & Gas Corporation
Corporate Drive
Kirkwood Industrial Park
P.O. Box 5224
Binghamton, NY 13902-5224

Mr. John V. Vinqvist, MATS Inc.
P.O. Box 63
Lycoming, NY 13093

Supervisor
Town of Scriba
Route 8, Box 382
Oswego, NY 13126

Mr. Paul D. Eddy
Electric Division
NYS Department of Public Service
Agency Building 3
Empire State Plaza
Albany, NY 12223

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

C. Adrienne Rhodes
Chairman and Executive Director
State Consumer Protection Board
5 Empire State Plaza, Suite 2101
Albany, NY 12223-1556

Mark J. Wetterhahn, Esquire
Winston & Strawn
1400 L Street, NW.
Washington, DC 20005-3502

Gary D. Wilson, Esquire
Niagara Mohawk Power Corporation
300 Erie Boulevard West
Syracuse, NY 13202

Mr. William M. Flynn, President
New York State Energy, Research,
and Development Authority
Corporate Plaza West
286 Washington Avenue Extension
Albany, NY 12203-6399