

October 24, 2001

Mr. Robert E. Denton
President and Chief Executive Officer
Constellation Nuclear, LLC
P.O. Box 1475
Baltimore, MD 21203-1475

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2 - DISCLOSURE
OF PREVIOUSLY WITHHELD INFORMATION (TAC NOS. MB0878, MB0879,
MB2860 AND MB2861)

Dear Mr. Denton:

By your letter dated February 1, 2001, and affidavit dated January 30, 2001, you submitted an "Application for Order and Conforming Administrative Amendments for License Transfers (NRC Facility Operating License Nos. DPR-63 and NPF-69)" for Nine Mile Point Nuclear Station, Unit Nos. 1 and 2. By a letter dated April 27, 2001, we addressed the proprietary status of Attachment 1 of your submittal, determining that the information identified by you as proprietary will be withheld from public disclosure. The April 27, 2001, letter also states that the NRC may have cause to review this determination in the future, and may make a determination adverse to the previous determination.

The NRC staff revisited the information in Attachment 1, specifically, the additional funding assurance dollar amounts for Nine Mile Point Nuclear Station, Unit Nos. 1 and 2, presented on the last line of page 25 of Attachment 1. The NRC staff believes that these numbers could be derived by using publicly available information. Accordingly, these numbers should not have been characterized as proprietary. We have discussed this with Mr. Matias Travieso-Diaz, Esq., counsel for Constellation Nuclear, LLC, and he agreed with our revised determination. Accordingly, we are proceeding to make the subject information public.

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 Nos. 50-220 and 50-410

cc: See next page

October 24, 2001

Mr. Robert E. Denton
President and Chief Executive Officer
Constellation Nuclear, LLC
P.O. Box 1475
Baltimore, MD 21203-1475

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2 - DISCLOSURE
OF PREVIOUSLY WITHHELD INFORMATION (TAC NOS. MB0878, MB0879,
MB2860 AND MB2861)

Dear Mr. Denton:

By your letter dated February 1, 2001, and affidavit dated January 30, 2001, you submitted an "Application for Order and Conforming Administrative Amendments for License Transfers (NRC Facility Operating License Nos. DPR-63 and NPF-69)" for Nine Mile Point Nuclear Station, Unit Nos. 1 and 2. By a letter dated April 27, 2001, we addressed the proprietary status of Attachment 1 of your submittal, determining that the information identified by you as proprietary will be withheld from public disclosure. The April 27, 2001, letter also states that the NRC may have cause to review this determination in the future, and may make a determination adverse to the previous determination.

The NRC staff revisited the information in Attachment 1, specifically, the additional funding assurance dollar amounts for Nine Mile Point Nuclear Station, Unit Nos. 1 and 2, presented on the last line of page 25 of Attachment 1. The NRC staff believes that these numbers could be derived by using publicly available information. Accordingly, these numbers should not have been characterized as proprietary. We have discussed this with Mr. Matias Travieso-Diaz, Esq., counsel for Constellation Nuclear, LLC, and he agreed with our revised determination. Accordingly, we are proceeding to make the subject information public.

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 Nos. 50-220 and 50-410
cc: See next page

DISTRIBUTION:

PUBLIC
PDI-1 Reading File
P. Tam

S. Little
LRaghavan
M.P. Siemien, OGC

B. Platchek, RGI

Accession Number: **ML012910166**

OFFICE	PDI-1\PM	PDI-1\LA	OGC	PDI-1\SC
NAME	PTam	SLittle	MSiemien	LRaghavan
DATE	10/18/01	10/18/01	10/19/01	10/23/01

OFFICIAL RECORD COPY

Nine Mile Point Nuclear Station
Unit Nos. 1 and 2

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

Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 126
Lycoming, NY 13093

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

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

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

Jay E. Silberg, Esquire
Shaw Pittman
2300 N Street, N.W.
Washington D.C. 20037

Daniel F. Stenger, Esquire
Ballard Spahr Andrews & Ingersoll, LLP
601 13th Street, N.W., Suite 1000 South
Washington, D.C. 20005

Mary A. Murphy, Esquire
LeBoeuf, Lamb, Greene and MacRae, LLP
1875 Connecticut Ave.
Suite 1200
Washington, D.C. 20009

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

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

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

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

Robert J. Glasser and Bo Hong, Esquires
Gould & Wilkie, LLP
One Chase Manhattan Plaza
58th Floor
New York, NY 10005