

October 31, 2007

Mr. Keith J. Polson
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE REGARDING
IMPLEMENTATION OF AVERAGE POWER RANGE MONITOR/ROD BLOCK
MONITOR/TECHNICAL SPECIFICATIONS/MAXIMUM EXTENDED LOAD LINE
LIMIT ANALYSIS (ARTS/MELLLA) (TAC NO. MD5233)

Dear Mr. Polson:

By letter dated October 16, 2007, you submitted an affidavit dated October 11, 2007, executed by Mr. Richard E. Kingston, Vice President, Methods Licensing, Regulatory Affairs, General Electric (GE) - Hitachi Nuclear Energy Americas LLC (GEH), requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Information identified as proprietary in GEH's GE-PPO-JXAAQ-KG1-100, October 12, 2007, responses to Nuclear Regulatory Commission (NRC) ARTS/MELLLA request for additional information (RAI).

A nonproprietary copy of the RAI responses has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (i) It is the type of 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.
- (ii) It is the type of 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.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of 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 information identified as proprietary in GEH's October 12, 2007, responses to NRC's ARTS/MELLLA RAI 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 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) 415-1547.

Sincerely,

/RA/

Marshall J. David, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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cc: See next page

K. Polson

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Marshall J. David, Project Manager
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Nine Mile Point Nuclear Station

cc:

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