



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

December 10, 2009

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
OPERATION – NINE MILE POINT NUCLEAR STATION, UNIT NO. 2 - (TAC
NO. ME1476)

Dear Mr. Belcher:

By letter dated August 28, 2009, you submitted an affidavit dated August 26, 2009, executed by Mr. Alan J. Bilanin, 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:

C.D.I. REPORT 08-08P, "ACOUSTIC AND LOW FREQUENCY HYDRONAMIC LOADS AT CLTP POWER LEVEL ON NINE MILE POINT UNIT 2 STEAM DRYER TO 250 HZ," REVISION 2

C.D.I REPORT 09-26P, "STRESS ASSESSMENT OF NINE MILE POINT UNIT 2 STEAM DRYER AT CLTP AND EPU CONDITIONS," REVISION 0,

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

- a) The information summarizes a process or method, including supporting data and analysis, where prevention of its use by C.D.I.'s competitors without license from C.D.I. constitutes a competitive advantage over other companies;
- b) The information summarizes 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;
- c) The information summarizes information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

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.

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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 "Richard V. Guzman", with a long horizontal flourish extending to the right.

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. Alan J. Bilanin
Continuum Dynamics, Inc.
34 Lexington Avenue
Ewing, NJ 08618-2302

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Richard V. Guzman, Senior Project Manager
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