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

April 2, 2010

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 letter dated February 19, 2010, you submitted an affidavit dated February 12, 2010, executed by Mr. James F. Harrison, 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:

> GEH letter, GE-PPO-1 GYEF-KG 1-509, G. Carlisle, GEH to M. Gorski, Constellation Energy Nuclear Group, "NMP2 EPU Round 2 RAI [request for additional information] Responses," dated February 12, 2010 (proprietary information contained in RAI responses to A1, B8, D1 through D5, D7 through D17, E2, E4, E6, E7, E9, E13, F4 and GEH Input to C5).

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

a) The 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 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 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,

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
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Rd.
Wilmington, NC 28401

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/RA/

Richard V. Guzman, Senior Project Manager
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