



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

September 13, 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 July 30, 2010, you submitted two affidavits, both dated July 28, 2010, executed by Mr. James F. Harrison of GE-Hitachi Nuclear Energy Americas LLC (GEH), and Mr. Anthony P. Reese of Global Nuclear Fuel – Americas, LLC (GNF-A), 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-1GYEF-KG1-546, G. Carlisle, GEH to Theresa Darling, Constellation Energy Nuclear Group, "NMP2 EPU Round 5 RAI [Request for Additional Information] Responses," dated July 28, 2010.

Enclosure 3 "GEH Responses to NMP2 EPU Follow-up RAIs – Reactor Systems (Proprietary).

Enclosure 4, GNF-A Report, 0000-0032-0998-R2, entitled, "MCNP01A Low Enriched UO2 Pin Lattice in Water Critical Benchmark Evaluations Using ENDF/B-V Nuclear Cross-Section Data, Revision 1, dated June 2010.

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

- a) Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by [GEH/GNF-A] competitors without license from [GEH/GNF-A] 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,

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. James F. Harrison  
GE-Hitachi Nuclear Energy Americas LLC  
3901 Castle Hayne Road  
Wilmington, NC 28401

Mr. Anthony P. Reese  
Global Nuclear Fuel – Americas, LLC  
3901 Castle Hayne Road  
Wilmington, NC 28401

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S. Belcher

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*/ra/*

Richard V. Guzman, Senior Project Manager  
Plant Licensing Branch I-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

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