

March 7, 2000

Mr. Michael B. Roche
Vice President and Director
GPU Nuclear, Inc.
Oyster Creek Nuclear Generating Station
P.O. Box 388
Forked River, NJ 08731

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR OYSTER CREEK NUCLEAR GENERATING STATION (OCNGS)
(TAC NO. MA7021)

Dear Mr. Roche:

By letter dated November 5, 1999, and affidavit dated November 4, 1999, executed by Gerald R. Rainey of AmerGen Energy Company, LLC, you submitted "Application for Order and Conforming Administrative Amendments for License Transfer (NRC Facility Operating License No. DPR-16)," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary version was submitted for placement in the NRC public document room.

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

- (1) This information is and has been held in confidence by AmerGen.
- (2) This information is of a type that is held in confidence by AmerGen, and there is a rational basis for doing so because the information contains sensitive financial information concerning AmerGen's projected revenues and operating expenses.
- (3) This information is not available in public sources and could not be gathered readily from other publicly available information.
- (4) Public disclosure of this information would create substantial harm to the competitive position of AmerGen by disclosing AmerGen's internal financial projections and the commercial terms of a unique transaction to other parties whose commercial interests may be adverse to those of AmerGen's.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and 9.17(a)(4) and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the versions of the submitted information, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(a)(4), 9.17(a)(4), and Section 103(b) of the Atomic Energy Act of 1954, as amended.

M. Roche

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Withholding from public inspection should 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 301-415-1261.

Sincerely,

/RA/

Helen N. Pastis, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-219

cc: See next page

M. Roche

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M. Roche
GPU Nuclear, Inc.

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