

June 19, 2000

Mr. Michael R. Kansler
Senior Vice President and Chief Operating Officer
Entergy Nuclear FitzPatrick, LLC
Entergy Nuclear Operations, Inc.
123 Main Street
White Plains, NY 10601

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT- REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NO. MA8949)

Dear Mr. Kansler:

By your application and affidavit dated May 12, 2000, you submitted "Transfer of Facility Operating License and Proposed License Amendment for James A. FitzPatrick Nuclear Power Plant" and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. Your letter dated May 12, 2000 included certain proprietary and nonproprietary information. A nonproprietary copy of this document has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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 Entergy Nuclear FitzPatrick and ENO.
2. This information is of a type that is held in confidence by Entergy Nuclear FitzPatrick and ENO and there is a rational basis for doing so because the information contains sensitive financial, corporate, and commercial information concerning Entergy Nuclear FitzPatrick and ENO's projected revenues and operating expenses as well as confidential financial and organizational information concerning affiliated companies.
3. This information is being transmitted to the NRC in confidence.
4. This information is not available in public sources and could not be gathered readily from other publicly available information.
5. Public disclosure of this information would create substantial harm to the competitive position of Entergy Nuclear FitzPatrick and ENO by disclosing Entergy Nuclear FitzPatrick and ENO's internal financial projections, confidential financial and corporate information of affiliated companies, and the commercial terms of a unique transaction to other parties whose commercial interests may be adverse to those of Entergy Nuclear FitzPatrick and ENO.

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

M. Kansler

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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 301-415-1441.

Sincerely,

/RA/

Guy S. Vissing, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-333

cc: See next page

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Guy S. Vissing, Sr. Project Manager, Section 1
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