

November 2, 2000

Mr. Ronald DeGregorio
Vice President Oyster Creek
AmerGen Energy Company, LLC
P.O. Box 388
Forked River, NJ 08731

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR OYSTER CREEK NUCLEAR GENERATING STATION (TAC NO. MA9961)

Dear Mr. DeGregorio:

By letter dated June 30, 2000, and affidavit dated June 29, 2000, executed by Glen A. Watford of Global Nuclear Fuel - Americas, LLC, you submitted an application to amend the Technical Specifications (TSs) for the Oyster Creek Nuclear Generating Station and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. 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.

On the date of the June 30, 2000, application, GPU Nuclear, Inc. (GPUN) was the licensed operator for Oyster Creek. On August 8, 2000, GPUN's ownership interest in Oyster Creek was transferred to AmerGen Energy Company, LLC (AmerGen). By letter dated August 10, 2000, AmerGen requested that the Nuclear Regulatory Commission continue to review and act upon all requests before the Commission which had been submitted by GPUN. Accordingly, the staff is reviewing the proposed amendment.

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

- (1) This information discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A's competitors without license from GNF-A constitutes a competitive economic advantage over other companies;
- (2) This information 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 2.790 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.

R. DeGregorio

-2-

Therefore, the versions of the submitted information, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5), and Section 103 (b) of the Atomic Energy Act of 1954, as amended.

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, Senior 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

AmerGen Energy Company, LLC
Oyster Creek Nuclear Generating Station

Kevin P. Gallen, Esquire
Morgan, Lewis & Bockius LLP
1800 M Street, NW.
Washington, DC 20036-5869

Deborah Staudinger
Hogan & Hartson
Columbia Square
555 13th St., NW
Washington, DC 20004

Manager Nuclear Safety & Licensing
Oyster Creek Nuclear Generating Station
Mail Stop OCAB2
P. O. Box 388
Forked River, NJ 08731

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

Mayor
Lacey Township
818 West Lacey Road
Forked River, NJ 08731

Resident Inspector
c/o U.S. Nuclear Regulatory Commission
P.O. Box 445
Forked River, NJ 08731

Kent Tosch, Chief
New Jersey Department of
Environmental Protection
Bureau of Nuclear Engineering
CN 415
Trenton, NJ 08625

PECO Energy Company
Nuclear Group Headquarters
Correspondence Control
P.O. Box 160
Kennett Square, PA 19348

Therefore, the versions of the submitted information, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5), and Section 103 (b) of the Atomic Energy Act of 1954, as amended.

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, Senior 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

DISTRIBUTION:

PUBLIC	S. Little	E. Adensam	M. Gamberoni
PDI-1 R/F	H. Pastis	M. P. Siemien, OGC	B. Platchek

Accession Number: ML003754048

OFFICE	PD1-1/PM	PD1-1/LA	SRXB/BC	PD1-1/SC	OGC
NAME	HPastis	SLittle	JWermiel	MGamberoni	MPSiemien
DATE	10/10/00	10/10/00	11/2/00	11/2/00	11/2/00

OFFICIAL RECORD COPY