

April 4, 2001

Mr. James A. Hutton
Director - Licensing
Mid-Atlantic Regional Operating Groups
AmerGen Energy Company, LLC
2000 Exelon Way, Suite 345
Kennett Square, PA 19348

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR OYSTER CREEK NUCLEAR GENERATING STATION (TAC NO. MB1192)

Dear Mr. Hutton:

By letter dated February 9, 2001, and an affidavit dated January 31, 2001, executed by David E. W. Leaver of Polestar Applied Technology, Inc., you responded to our request for additional information dated October 10, 2000, regarding the implementation of alternate source term for control room habitability and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. Nonproprietary copies of these documents have 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. Information that discloses a process or method, including supporting data and analyses, where prevention of its use by Polestar's competitors without license from Polestar constitutes a competitive economic advantage over other companies; and
2. Information which, if used by a competitor, would significantly reduce his expenditure of resources or improve his competitive position in the analysis, design, assurance of quality, or licensing of a similar product.

We have reviewed your letter 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.

J. Hutton

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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, 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

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Helen N. Pastis, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
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*See previous concurrence

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AmerGen Energy Company, LLC
Oyster Creek Nuclear Generating Station

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