

July 26, 2004

Mr. David B. Ripsom
Vice President & General Counsel
Nuclear Electric Insurance Limited
1201 Market Street, Suite 1200
Wilmington, Delaware 19801

SUBJECT: NUCLEAR ELECTRIC INSURANCE LIMITED (NEIL) REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR INFORMATION ON A PROPOSED NUCLEAR DECOMMISSIONING INSURANCE COMPANY (TAC MC2412)

Dear Mr. Ripsom:

By letter dated January 28, 2004, you submitted an affidavit of the same date, in which you requested 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 (effective February 13, 2004, the NRC renumbered 10 CFR 2.790 as 10 CFR 2.390):

Appendix B: Summary of the Decommissioning Insurance Policy and Pricing Model, to your January 28, 2004, letter to James E. Dyer, Director, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, subject: "Nuclear Electric Insurance Limited Request for Generic Determinations Regarding the Acceptability of Decommissioning Insurance Policy and Use of Non-Qualified Decommissioning Funds, pages 1 through 6.

The affidavit states that the submitted information should be considered exempt from mandatory public disclosure because the submittal contains confidential and proprietary information such that:

1. This information is and has been held in confidence by NEIL.
2. Other than its disclosure in the cited Appendix, the information in question is not available from public sources and is of a type customarily held in confidence by NEIL.
3. Public disclosure of the information contained in the cited Appendix would be likely to cause substantial harm to NEIL's competitive position in the insurance market.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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 information above-described and 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 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 301-415-1260.

Sincerely,

/RA/

Michael A. Dusaniwskyj
Financial & Regulatory Analysis Section
Policy & Rulemaking Program
Division of Reactor Improvement Programs
Office of Nuclear Reactor Regulation

Docket No.00000730

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DMatthews/FGillespie

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NAME	MDusaniwskyj*	BThomas*	CHaney*
DATE	07/26/2004	07/26/2004	07/26/2004

*See previous concurrence

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