

October 26, 2005

Mr. Scott H. Pellet, Project Manager  
Holtec International  
Holtec Center  
555 Lincoln Drive West  
Marlton, NJ 08053

SUBJECT: HOLTEC INTERNATIONAL REQUEST FOR WITHHOLDING INFORMATION  
FROM PUBLIC DISCLOSURE FOR CLINTON POWER STATION, UNIT 1  
(TAC NO. MC4202)

Dear Mr. Pellet:

By letters dated August 18, 2004, and May 13, 2005, the AmerGen Energy Company LLC (the licensee) submitted affidavits dated July 20, 2004, and April 7, 2005, respectively. You have executed the affidavits requesting that the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390: (1) Holtec International Report No. HI-2033124, "Spent Fuel Storage Expansion at Clinton Power Station for AmerGen," and (2) Holtec International Report No. HI-2043215, "Sourcebook for Metamic Performance Assessment." However, it should be noted that the first document contains information (i.e., Table 4-1 of Attachment 5 to the referenced letter) which is proprietary to Global Nuclear Fuel (GNF). A separate letter to GNF will address this issue.

A nonproprietary version of the first document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

1. The submittal contains information that discloses a process, method or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec international constitutes a competitive economic advantage over other companies.
2. The submittal contains information which 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 plant.
3. The submittal contains information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International.
4. The submittal contains information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

We have reviewed your applications and the materials 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 version of the submitted information 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 301-415-1496.

Sincerely,

*/RA/*

Kahtan N. Jabbour, Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-461

cc: See next page

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