

May 21, 2008

Mr. George Vanderheyden
President and CEO
UniStar Nuclear Energy, LLC
750 E. Pratt Street
Baltimore, MD 21202-3106

SUBJECT: UNISTAR NUCLEAR ENERGY,765 (AEHI), SCHEDULED COMBINED LICENSE APPLICATIONS

Dear Mr. Vanderheyden:

By letter to the Nuclear Regulatory Commission (NRC) dated May 1, 2008 and associated affidavit executed by you on May 1, 2008, you submitted a request for withholding proprietary information contained in "UniStar Nuclear Energy,765 (AEHI), Scheduled Combined License Applications." You requested that this document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

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

1. The UNE Document contains information regarding alternatives UNE is considering with regard to its strategic business plans involving possible construction of future generation and thus constitutes confidential commercial information.
2. This information has been held in confidence by UNE. To the extent that UNE has shared this information with others, it has done so on a confidential basis.
3. This information is being transmitted and received in confidence. It is not available from public sources and could not be gathered readily from other publicly available information.
4. UNE customarily keeps such information in confidence and there is a rational basis of holding such information in confidence.
5. Public disclosure of this information could cause substantial harm to the competitive position of UNE. The information is related to UNE's serious consideration of constructing a major generation facility which will likely involve negotiating contracts of significant dollar value. Thus, this information could be used by others to gain a competitive advantage over it.

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 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 301-415-4122.

Sincerely,

/RA/

John Rycyna, Project Manager
EPR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

cc: See next page

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John Rycyna, Project Manager
EPR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

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