



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 23, 2009

Mr. Charles G. Pardee
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: CLINTON POWER STATION, UNIT NO. 1 - REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME1643)

Dear Mr. Pardee:

By letter to the Nuclear Regulatory Commission (NRC) dated November 4, 2009 (Agencywide Documents Access and Management System (ADAMS) Package No. ML093100316), Exelon Generation Company, LLC (EGC) submitted four affidavits. One affidavit was executed by James F. Harrison, Vice President, Fuel Licensing, Regulatory Affairs, GE-Hitachi Nuclear Energy Americas LLC. (GEH) on October 30, 2009. Three affidavits were executed by Andrew A. Lingenfelter, Vice President, Fuel Engineering, Global Nuclear Fuel – Americas, LLC (GNF-A), one was dated October 29, 2009 and two were dated October 30, 2009. These affidavits requested that information designated proprietary in the following document be withheld from public disclosure pursuant to paragraph (a)(4) of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

- JMD-EXN-LH1-09-099, Enclosure 1, October 2009, "Responses to request for Additional Information 1 and 3-14 Related to License Amendment Request to Modify Clinton Power Station Facility Operating License in Support of the Use of Isotope Test Assemblies"
- GNF-0000-0108-9509-R0-P, Class III, October 2009, "Evaluation of Hydraulic Characteristics of the GE14i Fuel"
- GNF-0000-0108-6874-R0-P, Class III, October 2009, "GE14i Thermal-Mechanical Evaluation"
- GNF-0000-0108-9523-R0-P, Class III, October 2009, "Additional GEXL Information on the GE14i ITAs"

The proprietary version of the document and the affidavits are in Attachments 2, 4, 5, and 6 to the letter dated November 4, 2009, from EGC to the U.S. Nuclear Regulatory Commission (NRC), for the Clinton Power Station, Unit No. 1.

A non-proprietary copy of the document, provided as Attachment 3 to the letter dated November 4, 2009, has been added to the ADAMS Public Electronic Reading Room (ADAMS Accession No. ML093100313).

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

- (a) Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by competitors without license from the owner constitutes a competitive economic advantage over other companies;
- (b) 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 product;

We have reviewed your submittal in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the 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 should also 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, please contact me at (301)415-3719.

Sincerely,



Cameron S. Goodwin, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-461

cc: See next page

Clinton Power Station, Unit No. 1

cc:

GE-Hitachi Nuclear Energy Americas LLC
Vice President, Fuel Licensing, Regulatory Affairs
P.O. Box 780, M/C A-55
Wilmington, NC 28401

Global Nuclear Fuel – Americas, LLC
Vice President, Fuel Engineering
3901 Castle Hayne Rd.
Wilmington, NC 28402-0780

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- (a) Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by competitors without license from the owner constitutes a competitive economic advantage over other companies;
- (b) 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 product;

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Sincerely,
 /RA/
 Cameron S. Goodwin, Project Manager
 Plant Licensing Branch III-2
 Division of Operating Reactor Licensing
 Office of Nuclear Reactor Regulation

Docket No. 50-461

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