October 6, 2010

Mr. Scott M. Bond, Manager
Nuclear Generation Development
AmerenUE, Callaway Plant
P.O. Box 620
Fulton, MO 65251

SUBJECT: PROPRIETARY DETERMINATION: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE OF PROPRIETARY MATERIALS REGARDING AMERENUE, CALLAWAY PLANT UNIT 2, U.S. NUCLEAR REGULATORY COMMISSION DOCKET NO. 52-037, RESPONSE TO REGULATORY INFORMATION SUMMARY 2010-01

Dear Mr. Bond:

By letter dated August 31, 2010, and associated affidavit executed by Scott M. Bond on August 31, 2010, Agencywide Documents Access and Management System (ADAMS) Accession No. ML102510228, you submitted a Proprietary-Trade secret document, "AmerenUE, Callaway Plant Unit 2, U.S. Nuclear Regulatory Commission (NRC) Docket No. 52-037, Response to Regulatory Information Summary 2010-01," to the NRC. You requested that this letter and the attached affidavit be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

A nonproprietary copy (Redacted Version) of this document has been placed in the NRC Public Document Room and added to ADAMS Public Electronic Reading Room (ADAMS Accession No. ML102630271).

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

1. The information sought to be withheld from public disclosure has been held in confidence by AmerenUE and has not been disclosed to the public due its commercial sensitivity. Existing commercial relationships could be impaired by premature disclosure of AmerenUE's strategic business deliberations.

2. The information is of the type that would customarily be held in confidence by AmerenUE, and there is a rational basis for doing so.

3. The information is provided to the NRC in confidence.

4. The information sought to be protected is not available to the public to the best of our knowledge and belief.

5. Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of AmerenUE, because it would disclose AmerenUE's strategic business decisions.

We have reviewed your request 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 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) 415-1421 or at Surinder.Arora@nrc.gov.

Sincerely,

/RA/

Surinder Arora, Project Manager
EPR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-037

cc: See next page

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Sincerely,

/RA/

Surinder Arora, Project Manager
EPR Projects Branch
Division of New Reactor Licensing
Office of New Reactors

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cc: See next page

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DATE	10/01/10	10/06/10	10/06/10

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COL - AmerenUE - Callaway Mailing List (Revised 06/23/2010)

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