

December 5, 2005

Mr. David E. W. Leaver
Principal & Quality Assurance Manager
Polestar Applied Technology, Inc.
One First Street
Suite 4
Los Altos, CA 94022

SUBJECT: AMERGEN ENERGY COMPANY LLC, REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR OYSTER CREEK
GENERATING STATION (TAC NO. MC6519)

Dear Mr. Leaver:

By letter dated November 2, 2005, AmerGen Energy Company, LLC (AmerGen) submitted an affidavit executed by you, dated October 18, 2005, requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

Polestar Applied Technology, Inc. (Polestar) Report PSAT 05201H.05

The November 2, 2005, letter from AmerGen contained responses to Nuclear Regulatory Commission (NRC) questions related to AmerGen's license amendment request No. 315 for the Oyster Creek Generating Station. The letter from AmerGen stated that the proprietary information from the aforementioned Polestar report is contained in the submitted letter.

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- (1) This information is of the type typically held in confidence by Polestar, and is in fact so held.
- (2) The information is being transmitted to the NRC in confidence.
- (3) The information has not been publically disclosed, nor is it available in public sources.
- (4) The information discloses a process or method, including supporting data and analyses, where prevention of its use by Polestar's competitors without license from Polestar constitutes a competitive economic advantage over other companies.

- (5) The information, if used by a competitor, would significantly reduce his expenditure of resources or improve his competitive position in the analysis, design, assurance of quality, or licensing of a similar product.

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 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, I may be reached at 301-415-2481.

Sincerely,

/RA/

G. Edward Miller, Project Manager
Licensing Project Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-219

cc: See next page

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