

October 15, 2001

Mr. Mark E. Warner
Vice President - TMI Unit 1
AmerGen Energy Company, LLC
P.O. Box 480
Middletown, PA 17057

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
THREE MILE ISLAND NUCLEAR STATION, UNIT NO. 1 (TMI-1, TAC NO.
MB2323)

Dear Mr. Warner:

By your application dated September 12, 2001, and affidavit dated September 12, 2001, executed by James F. Mallay, you submitted American Society of Mechanical Engineers Section XI relief requests associated with potential reactor vessel head repairs and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. This application supercedes, in its entirety, previous applications dated August 9, 2001, and July 2, 2001, which address the same subject. A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

- (a) The information reveals details of FRA-ANP's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for FRA-ANP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for FRA-ANP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by FRA-ANP, would be helpful to competitors to FRA-ANP, and would likely cause substantial harm to the competitive position of FRA-ANP.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 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 2.790(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 301-415-1402.

Sincerely,
/RA/

Timothy Colburn, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-289

cc: See next page

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 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 2.790(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 301-415-1402.

Sincerely,

/RA/

Timothy Colburn, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-289

cc: See next page

DISTRIBUTION:

PUBLIC	MPSiemien	L. Raghavan
BPlatchek, RI	MO'Brien	PDI-1RF
EAdensam	TColburn	TChan

ADAMS Accession No. ML012710587

OFFICE	PDI-1/PM	PDI-1/LA	EMCB/SC	OGC	PDI-1/(A)SC
NAME	TColburn	MO'Brien	TChan	MPSiemien	LRaghaven
DATE	10/2/01	10/2/01	10/3/01	10/9/01	10/10/01

OFFICIAL RECORD COPY

Three Mile Island Nuclear Station, Unit No. 1

cc:

George H. Gellrich
Plant Manager
AmerGen Energy Company, LLC
P. O. Box 480
Middletown, PA 17057

Michael P. Gallagher
Director - Licensing
Exelon Generation Company, LLC
Nuclear Group Headquarters
Correspondence Control
P.O. Box 160
Kennett Square, PA 19348

Edwin C. Fuhrer
Manager - Regulatory Engineering
AmerGen Energy Company, LLC
P.O. Box 480
Middletown, PA 17057

Edward J. Cullen, Jr.
Vice President and General Counsel
Exelon Generation Company, LLC
300 Exelon Way
KSB 3-W
Kennett Square, PA 19348

Jeffrey A. Benjamin
Licensing - Vice President
Exelon Corporation
1400 Opus Place, Suite 900
Downers Grove, IL 60521

Chairman
Board of County Commissioners
of Dauphin County
Dauphin County Courthouse
Harrisburg, PA 17120

Chairman
Board of Supervisors
of Londonderry Township
R.D. #1, Geyers Church Road
Middletown, PA 17057

Senior Resident Inspector (TMI-1)
U.S. Nuclear Regulatory Commission
P.O. Box 219
Middletown, PA 17057

Regional Administrator
Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Michael A. Schoppman
Framatome ANP
Suite 705
1911 North Ft. Myer Drive
Rosslyn, VA 22209

David J. Allard, Director
Bureau of Radiation Protection
Pennsylvania Department of
Environmental Resources
P.O. Box 2063
Harrisburg, PA 17120

Dr. Judith Johnsrud
National Energy Committee
Sierra Club
433 Orlando Avenue
State College, PA 16803

John F. Rogge, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Eric Epstein
TMI Alert
4100 Hillsdale Road
Harrisburg, PA 17112