

October 29, 2003

Mr. Jens G. Andersen  
Project Manager, TRACG Development  
Global Nuclear Fuel - Americas, LLC  
3901 Castle Hayne Road  
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE, PEACH BOTTOM ATOMIC POWER STATION, UNIT 3  
(TAC NO. MB9715)

Dear Mr. Andersen:

By letter dated September 4, 2003, Exelon Generation Company, LLC, responded to a request for additional information (RAI) concerning safety limit minimum critical power ratio (SLMCPR) changes for the Peach Bottom Atomic Power Station, Unit 3 (Peach Bottom 3). That response included the attachment, "Responses to [Nuclear Regulatory Commission] NRC RAIs on Peach Bottom 3, Cycle 15 SLMCPR Submittal." That attachment included your affidavit dated September 3, 2003, requesting that information provided by Global Nuclear Fuel - Americas, LLC (GNF-A), contained in the document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.790(a)(4) and 10 CFR 9.17(a)(4). A nonproprietary version has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management Systems Public Electronic Reading Room.

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

- (1) Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A's competitors without license from GNF-A constitutes a competitive economic advantage over other companies; and
- (2) 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 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.

J. Andersen

-2-

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 301-415-1494.

Sincerely,

***/RA by SWall for/***

George F. Wunder, Project Manager, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-278

cc: See next page

J. Andersen

-2-

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 301-415-1494.

Sincerely,

**/RA by SWall for/**

George F. Wunder, Project Manager, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-278

cc: See next page

DISTRIBUTION

PUBLIC	PDI-2 R/F	CHolden	JClifford	GWunder	MO'Brien
JWermiel	OGC	BPlatchek, RGN-1			

ADAMS ACCESSION NUMBER: ML033020324

OFFICE	PDI-2/PM	PDI-2/LA	OGC	PDI-2/SC
NAME	SWall for GWunder	MMcAllister for MO'Brien	MBupp	JClifford
DATE	09/12/03	09/17/03	10/07/03	10/28/03

**OFFICIAL RECORD COPY**

Peach Bottom Atomic Power Station, Unit 3

cc:

Vice President, General Counsel and  
Secretary  
Exelon Generation Company, LLC  
2301 Market Street, S23-1  
Philadelphia, PA 19101

Site Vice President  
Peach Bottom Atomic Power Station  
Exelon Generation Company, LLC  
1848 Lay Road  
Delta, PA 17314

Plant Manager  
Peach Bottom Atomic Power Station  
Exelon Generation Company, LLC  
1848 Lay Road  
Delta, PA 17314

Regulatory Assurance Manager  
Peach Bottom Atomic Power Station  
Exelon Generation Company, LLC  
1848 Lay Road  
Delta, PA 17314

Resident Inspector  
U.S. Nuclear Regulatory Commission  
Peach Bottom Atomic Power Station  
P.O. Box 399  
Delta, PA 17314

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

Mr. Roland Fletcher  
Department of Environment  
Radiological Health Program  
2400 Broening Highway  
Baltimore, MD 21224

Correspondence Control Desk  
Exelon Generation Company, LLC  
200 Exelon Way, KSA 1-N-1  
Kennett Square, PA 19348

Rich Janati, Chief  
Division of Nuclear Safety  
Bureau of Radiation Protection  
Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 8469  
Harrisburg, PA 17105-8469

Board of Supervisors  
Peach Bottom Township  
545 Broad Street Ext.  
Delta, PA 17314-9203

Mr. Richard McLean  
Power Plant and Environmental  
Review Division  
Department of Natural Resources  
B-3, Tawes State Office Building  
Annapolis, MD 21401

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

Manager-Financial Control & Co-Owner  
Affairs  
Public Service Electric and Gas Company  
P.O. Box 236  
Hancocks Bridge, NJ 08038-0236

Manager Licensing-Limerick and Peach  
Bottom  
Exelon Generation Company, LLC  
Nuclear Group Headquarters  
Correspondence Control  
P.O. Box 160  
Kennett Square, PA 19348

Peach Bottom Atomic Power Station, Unit 3

cc:

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

Vice President-Licensing and Regulatory Affairs  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

Vice President-Mid-Atlantic Operations  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

Senior Vice President, Nuclear Services  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

Vice President, Operations Support  
Exelon Generation Company, LLC  
200 Exelon Way, KSA 3-N  
Kennett Square, PA 19348

Chief Operating Officer  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555