

May 16, 2002

Mr. Oliver D. Kingsley, President  
and Chief Nuclear Officer  
Exelon Nuclear  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE, OYSTER CREEK NUCLEAR GENERATING STATION  
(TAC NO. MB4960)

Dear Mr. Kingsley:

By a letter dated April 26, 2002, Mr. Michael P. Gallagher of AmerGen Energy Company, LLC, submitted an application for amendment to the Oyster Creek Nuclear Generating Station operating license. The application included an affidavit executed on April 2, 2002, by Mr. George B. Stramback of General Electric Company (GE), requesting that Enclosure 3 of the application, "Application of Stability Long-Term Solution Option II to Oyster Creek," NEDC-33065P, Revision 0, be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. Mr. Gallagher also submitted a non-proprietary version of the same document as Enclosure 4 for placement in the NRC public document room and addition to the Agencywide Documents Access and Management System's 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:

- (i) This information discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by General Electric's competitors without license from General Electric constitutes a competitive economic advantage over other companies;
- (ii) This information, 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;
- (iii) This information discloses patentable subject matter for which it may be desirable to obtain patent protection.

O. D. Kingsley

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We have reviewed Mr. Stramback's affidavit in accordance with the requirements of 10 CFR 2.790. On the basis of Mr. Stramback's statements, we 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 301-415-1451.

Sincerely,

**/RA/**

Peter S. Tam, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-219

cc: See next page

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**/RA/**

Peter S. Tam, Senior Project Manager, Section 1  
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Division of Licensing Project Management  
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