

October 24, 2002

Mr. George B. Stramback  
Project Manager, Regulatory Services  
General Electric Company  
175 Curtner Avenue  
San Jose, CA 95125

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE, PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3  
(TAC NOS. MB5192 AND MB5193)

Dear Mr. Stramback:

By letter dated September 11, 2002, Exelon Generation Company, LLC (EGC), responded to a request for additional information concerning operations at a higher power level for the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3. Attachment 1 of that response included portions of General Electric Company's (GE's) letter, GE-PBAPS-TPO-094, PBAPS TPO, "Response to [Nuclear Regulatory Commission] NRC Requests for Additional Information (RAI) - 2, 3, 4, 6, 7, 10, 11, and 13," dated August 26, 2002. With Attachment 4 of the September 11, 2002, letter, EGC submitted GE Errata and Addenda to NEDC-33064P, "Safety Analysis Report for Peach Bottom Atomic Power Station Thermal Power Optimization," dated July 10, 2002. Attachments 1 and 4 included affidavits requesting that these attachments be withheld from public disclosure as proprietary information.

By letter dated September 24, 2002, EGC submitted GE proprietary document, NEDC-33064P, "Safety Analysis Report for Peach Bottom Atomic Power Station Units 2 & 3 Thermal Power Optimization," Revision 1, dated September 2002. EGC reported that this revision superseded NEDC-33064P, Revision 0, submitted with EGC's application dated May 24, 2002, and incorporated the changes outlined by the GE Errata and Addenda to NEDC-33064P submitted in Attachment 4 of the September 11, 2002, letter.

The September 11, 2002, letter included your affidavits dated August 26, 2002, for Attachment 1 and September 5, 2002, for Attachment 4. Additionally, the September 24, 2002, letter included your affidavit dated September 18, 2002, for NEDC-33064P, Revision 1. These affidavits requested that these documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Sections 2.790(a)(4), 2.790(d)(1), and 9.17(a)(4).

Each 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 General Electric's competitors without license from General Electric 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 applications and the material in accordance with the requirements of 10 CFR Sections 2.790 and 9.17(a)(4) and, on the basis of your statements, have determined that the information, submitted in Attachment 1 of the September 11, 2002, letter, and NEDC-33064P, Revision 1, submitted with the September 24, 2002, letter, sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, Attachment 1 of the September 11, 2002, letter, and NEDC-33064P, Revision 1, from the September 24, 2002, letter, 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. A nonproprietary version of each of these documents has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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.

With regard to the information contained in GE Errata and Addenda to NEDC-33064P, Revision 0, submitted in the September 11, 2002, letter, by letter from John P. Boska, NRC, to George B. Stramback, GE, dated September 9, 2002, we have previously concluded that you did not provide sufficient justification to us to determine that the information submitted in NEDC-33064P, Revision 0, sought to be withheld from the public contains proprietary, or confidential commercial or financial information. The basis for the September 9, 2002, letter remains valid since the GE Errata and Addenda to NEDC-33064P, Revision 0, dated July 10, 2002, only amends the original document. However, by letter from you to the NRC, dated October 7, 2002, GE requested that NEDC-33064P, Revision 0, be withdrawn. Therefore, NEDC-33064P, Revision 0, and GE Errata and Addenda to NEDC-33064P are considered withdrawn, and your request to withhold these documents from public disclosure is also considered withdrawn.

G. Stramback

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If you have any questions regarding this matter, I may be reached at 301-415-2901.

Sincerely,

**/RA/**

John P. Boska, Project Manager, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-277 and 50-278

cc: See next page

G. Stramback

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If you have any questions regarding this matter, I may be reached at 301-415-2901.

Sincerely,

**/RA/**

John P. Boska, Project Manager, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-277 and 50-278

cc: See next page

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Peach Bottom Atomic Power Station, Units 2 and 3

cc:

Vice President, General Counsel and  
Secretary  
Exelon Generation Company, LLC  
300 Exelon Way  
Kennett Square, PA 19348

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  
575 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, Units 2 and 3

cc:

Director - Licensing  
Mid-Atlantic Regional Operating Group  
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

Senior Vice President  
Mid-Atlantic Regional Operating Group  
Exelon Generation Company, LLC  
200 Exelon Way, KSA 3-N  
Kennett Square, PA 19348

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

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

Manager License Renewal  
Exelon Generation Company, LLC  
200 Exelon Way  
Kennett Square, PA 19348

Mr. John L. Skolds, President  
and Chief Nuclear Officer  
Exelon Nuclear  
Exelon Generation Company, LLC  
200 Exelon Way, KSA 3-E  
Kennett Square, PA 19348