

May 6, 2003

Mr. David F. Garchow
Vice President - Projects and Licensing
PSEG Nuclear LLC
P.O. Box 236
Hancocks Bridge, NJ 08038-0236

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE, PEACH BOTTOM ATOMIC POWER STATION (PBAPS),
UNIT NOS. 2 AND 3

Dear Mr. Garchow:

By your letter dated December 23, 2002, and affidavit dated December 23, 2002, executed by David F. Garchow, you submitted Attachment 1P proprietary addendum on behalf of PSEG Nuclear LLC (PSEG), which is used to demonstrate financial qualifications to support its application for license renewal for PBAPS, Units 2 and 3, and requested that it 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 Nuclear Regulatory Commission's (NRC's) public document room and was added to the Agencywide Documents Access and Management Systems Publically 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:

- 1) This information is and has been held in confidence by PSEG.
- 2) This information is of a type that is held in confidence by PSEG, and there is a rational basis for doing so because it is sensitive financial information concerning PSEG's projected and operating revenues and expenses.
- 3) This information is being transmitted to the NRC in confidence.
- 4) This information is not available in public sources and could not be gathered readily from other publicly available information.
- 5) Public disclosure of this information would create substantial harm to the competitive position of PSEG by disclosing PSEG's internal financial projections to other parties whose commercial interests may be adverse to those of PSEG.

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 sensitive financial 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 301-415-1146.

Sincerely,

/RA/

Raj K. Anand, Project Manager
License Renewal Section
License Renewal and Environmental Impact
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket Nos.: 50-277 and 50-278

cc: See next page

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Raj K. Anand, Project Manager
License Renewal Section
License Renewal and Environmental Impact
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

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RLEP RF

R. Anand

E-MAIL:

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W. Borchardt

D. Matthews

F. Gillespie

RidsNrrDe

E. Imbro

G. Bagchi

K. Manoly

W. Bateman

J. Calvo

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P. Shemanski

H. Nieh

H. Walker

S. Black

B. Boger

D. Thatcher

R. Pettis

G. Galletti

C. Li

J. Moore

R. Weisman

M. Mayfield

A. Murphy

W. McDowell

S. Smith (srs3)

S. Duraiswamy

T. Kobetz

C. Munson

RLEP Staff

J. Boska

D. Lew

M. Modes

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
1800 Washington Blvd.
Baltimore, MD 21230

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

Mr. Fred Emerson
Nuclear Energy Institute
1776 I Street, NW., Suite 400
Washington, DC 20006-3708

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

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

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

Public Service Commission of Maryland
Engineering Division
Chief Engineer
6 St. Paul Center
Baltimore, MD 21202-6806