

October 30, 2003

Mr. John L. Skolds, President  
Exelon Nuclear  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: EXELON GENERATION COMPANY, LLC, REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE FOR LASALLE COUNTY  
STATION, UNITS 1 AND 2 (TAC NOS. MB9888 AND MB9889)

Dear Mr. Skolds:

By letter dated July 1, 2003, Exelon Generation Company (EGC), LLC, submitted an affidavit dated June 25, 2003, executed by Margaret E. Harding of Global Nuclear Fuel - Americas, LLC (GNF-A). You requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

NEDC-33106P, "GEXL97 Correlation for ATRIUM-10 Fuel," Rev. 1, June 2003.

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

In making this application for withholding of proprietary information of which it is the owner or licensee, GNF-A relies upon the exemption from disclosure set forth in the Freedom of Information Act ("FOIA"), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4) and 2.790(a)(4) for "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (Exemption 4). The material for which exemption from disclosure is here sought is all "confidential commercial information," and some portions also qualify under the narrower definition of "trade secret," within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, *Critical Mass Energy Project v. Nuclear Regulators Commission*, 975F2d871 (DC Cir. 1992), and *Public Citizen Health Research Group v. FDA*, 704F2dl280 (DC Cir. 1983).

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 GNF topical report, NEDC-33106P, "GEXL97 Correlation for Atrium-10 Fuel," Rev. 1, June 2003, 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.

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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 301-415-3965.

Sincerely,

*/RA/*

William A. Macon, Jr., Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-373 and 50-374

cc: See next page

LaSalle County Station Units 1 and 2

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Sincerely,

**/RA/**

William A. Macon, Jr., Project Manager, Section 2  
Project Directorate III  
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Office of Nuclear Reactor Regulation

Docket Nos.: 50-373 and 50-374

cc: See next page

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