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.

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

cc:

Site Vice President - LaSalle County Station
Exelon Generation Company, LLC
2601 North 21st Road
Marseilles, IL 61341-9757

LaSalle County Station Plant Manager
Exelon Generation Company, LLC
2601 North 21st Road
Marseilles, IL 61341-9757

Regulatory Assurance Manager - LaSalle
Exelon Generation Company, LLC
2601 North 21st Road
Marseilles, IL 61341-9757

U.S. Nuclear Regulatory Commission
LaSalle Resident Inspectors Office
2605 North 21st Road
Marseilles, IL 61341-9756

Phillip P. Steptoe, Esquire
Sidley and Austin
One First National Plaza
Chicago, IL 60603

Assistant Attorney General
100 W. Randolph St. Suite 12
Chicago, IL 60601

Chairman
LaSalle County Board
707 Etna Road
Ottawa, IL 61350

Attorney General
500 S. Second Street
Springfield, IL 62701

Chairman
Illinois Commerce Commission
527 E. Capitol Avenue, Leland Building
Springfield, IL 62706

Robert Cushing, Chief, Public Utilities Division
Illinois Attorney General's Office
100 W. Randolph Street
Chicago, IL 60601

Regional Administrator
U.S. NRC, Region III
801 Warrenville Road
Lisle, IL 60532-4351

Illinois Emergency Management Agency
Division of Disaster Assistance & Preparedness
110 East Adams Street
Springfield, IL 62701-1109

Document Control Desk - Licensing
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
4300 Winfield Road
Warrenville, IL 60555

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

Director Licensing
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Senior Counsel, Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Manager Licensing - Clinton and LaSalle
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

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

DISTRIBUTION:
PUBLIC
PD3-2 r/f
AMendiola
WMacon
PCoates
OGC
GHill (4)
WBeckner
ACRS
DHills, RIII

ADAMS Accession Number: ML032950008

OFFICE	PM:LPD3-2	LA:LPD3-2	SC:SRXB	OGC	SC:LPD3-2
NAME	WMacon	PCoates	FAkstulewicz	M.Nordinger	DPickett for, AMendiola
DATE	10/23/03	10/22/03	10/23/03	10/24/03	10/28/03

OFFICIAL RECORD COPY