

October 29, 2003

Mr. Jens G. Andersen
Project Manager, TRACG Development
Global Nuclear Fuel - Americas, LLC
3901 Castle Hayne Road
Wilmington, NC 28401

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE, PEACH BOTTOM ATOMIC POWER STATION, UNIT 3
(TAC NO. MB9715)

Dear Mr. Andersen:

By letter dated September 4, 2003, Exelon Generation Company, LLC, responded to a request for additional information (RAI) concerning safety limit minimum critical power ratio (SLMCPR) changes for the Peach Bottom Atomic Power Station, Unit 3 (Peach Bottom 3). That response included the attachment, "Responses to [Nuclear Regulatory Commission] NRC RAIs on Peach Bottom 3, Cycle 15 SLMCPR Submittal." That attachment included your affidavit dated September 3, 2003, requesting that information provided by Global Nuclear Fuel - Americas, LLC (GNF-A), contained in the document 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 NRC's Public Document Room and added to the Agencywide Documents Access and Management Systems Public Electronic Reading Room.

The 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 GNF-A's competitors without license from GNF-A 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 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 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.

J. Andersen

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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 301-415-1494.

Sincerely,

/RA by SWall for/

George F. Wunder, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-278

cc: See next page

J. Andersen

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DATE	09/12/03	09/17/03	10/07/03	10/28/03

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Peach Bottom Atomic Power Station, Unit 3

cc:

Vice President, General Counsel and
Secretary
Exelon Generation Company, LLC
2301 Market Street, S23-1
Philadelphia, PA 19101

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
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

Peach Bottom Atomic Power Station, Unit 3

cc:

Director - Licensing
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

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

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