

January 7, 2004

Mr. Michael P. Gallagher, Director  
Licensing and Regulatory Affairs  
AmerGen Energy Company, LLC  
200 Exelon Way  
Suite 345  
Kennett Square, PA 19348

SUBJECT: AMERGEN ENERGY COMPANY, REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE FOR THREE MILE ISLAND  
NUCLEAR STATION, UNIT 1 (TAC NO. MC1201)

Dear Mr. Gallagher:

By letters dated November 18 and 20, 2003, AmerGen Energy Company submitted affidavits dated November 18 and 20, 2003, executed by Gayle F. Elliott of Framatome ANP (FANP). Framatome ANP requested that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

- Attachment 2 to the November 18, 2003, letter, "Supplemental Information Concerning a Proposed Alternative Associated With the Use of a Weld Overlay," which is Figure 2 referenced in AmerGen letter 5928-03-20218, "Proposed Alternative Associated with the Use of a Weld Overlay," and
- Attachment 5 to the November 20, 2003, letter, Report No. SIR-03-155, Revision 0, "Weld Overlay Design for the Hot Leg Nozzle to Surge Line Weld at Three Mile Island Unit 1," AmerGen Letter 5928-03-20234.

A nonproprietary copy of the November 20, 2003, document was submitted by letter dated November 25, 2003, and has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

1. [These] document[s] contain information of a proprietary and confidential nature and are of the type customarily held in confidence by FANP and not made available to the public.
2. [These] document[s] have been made available to the U.S. Nuclear Regulatory Commission in confidence.
3. [This] information is vital to a competitive advantage held by FANP, would be helpful to competitors to FANP, and would likely cause substantial harm to the competitive position of FANP.

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.

M. Gallagher

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Therefore, the version of the report titled "Weld Overlay Design for the Hot Leg Nozzle to Surge Line Weld at Three Mile Island Unit 1," 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.

In addition, Attachment 2 to the November 18, 2003, letter, "Supplemental Information Concerning a Proposed Alternative Associated With the Use of a Weld Overlay," which is Figure 2 to AmerGen letter 5928-03-20218, "Proposed Alternative Associated with the Use of a Weld Overlay," 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 301-415-1322.

Sincerely,

*/RA/*

Donna Skay, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-289

cc: See next page

M. Gallagher

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*/RA/*

Donna Skay, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-289

cc: See next page

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| NAME | MO'Brien | DSkay    | RLauffer | CMarco  |
| DATE | 12/18/03 | 12/18/03 | 1/06/04  | 1/06/04 |

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