

March 18, 2004

Mr. Ron Engel
General Electric Company
175 Curtner Avenue
San Jose, CA 95125

SUBJECT: GENERAL ELECTRIC COMPANY, REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR DRESDEN NUCLEAR
POWER STATION, UNITS 2 AND 3 (TAC NOS. MB6537 AND MB6538)

Dear Mr. Engel:

In a letter dated October 10, 2002, addressed to the U.S. Nuclear Regulatory Commission (NRC), P. R. Simpson, Manager, Licensing, Exelon Generation Company, requested a change to facility operating licenses DPR-19 and DPR-25 and the Technical Specifications for Dresden Nuclear Power Station, Units 2 and 3, regarding the operability requirements of the main steam safety valves. In subsequent communications from the NRC staff, the NRC requested additional information concerning the proposed change. In response, Exelon sent several letters with additional information, including one dated October 10, 2003.

In the letter dated October 10, 2003, that provided additional information to the NRC, Exelon enclosed a document containing a complete version of the information, as well as a version from which some of the material contained in the complete version had been expunged. The complete version had the words "GE Proprietary Information" marked at the top of each page of the document. The letter also enclosed an affidavit executed by you as the Technical Lead, Plant Services, General Electric Company (GE), requesting that NRC withhold the complete version of the information from public disclosure in accordance with Sections 2.790 and 9.17 of Title 10 of the *Code of Federal Regulations* (10 CFR) and stating the basis for the request.

The affidavit executed by you states that the information sought to be withheld from public disclosure is of a sort that GE customarily holds in confidence, that public disclosure of the information is likely to foreclose or reduce the availability to GE of profit-making opportunities, and will cause substantial harm to GE's competitive position.

As you may be aware, the text of 10 CFR 2.790 was amended by the NRC in June 2003. In addition, the section number was changed from 2.790 to 2.390 in February of this year.

We have reviewed your affidavit and the material supplied by Exelon, and have determined that the complete version of the GE information referred to above will be withheld from public disclosure pursuant to 10 CFR 2.390 (formerly 2.790). Copies of the version of the information, from which the material you stated to be proprietary has been expunged, have been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the complete GE 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 the withheld information.

In addition, circumstances may arise in the future in which the NRC may reevaluate the determination to withhold from the public material expunged from the publicly available document. For example, if we received a Freedom of Information request to which such material is responsive, we will review the document again in that context. You will be notified in advance of any public disclosure, if in the course of such a reevaluation the NRC makes a determination adverse to your request.

If the basis for your request for withholding from the public material expunged from the publicly available document should change in the future, you should promptly notify the NRC.

If you have any questions regarding this matter, I may be reached at 301-415-2277.

Sincerely,

/RA/

Maitri Banerjee, Project Manager
Project Directorate III, Section 2
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos.: 50-237 and 50-249

cc: See next page

R. Engel

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/RA/

Maitri Banerjee, Project Manager
Project Directorate III, Section 2
Division of Licensing Project Management
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DATE	03/18/04	03/16/04	2/25/04	2/26/04	3/11/04	03/17/04

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Dresden Nuclear Power Units 2 and 3

cc:

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