

Exelon Nuclear  
200 Exelon Way  
KSA3-N  
Kennett Square, PA 19348

Telephone 610.765.5662  
Fax 610.765.5755  
www.exeloncorp.com

52.17, 2.390

September 7, 2004

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

Subject: Submittal of Early Site Permit Quality Plans

Re: Letter, U.S. Nuclear Regulatory Commission (C. Pederson) to Exelon Generation Company, LLC, (M. Kray), dated February 20, 2004, Exelon Generation Company, LLC - NRC Inspection of Applicant and Contractor Quality Assurance Activities Involved with Preparation of the Application for an Early Site Permit, Report 0520007/2004001.

Enclosed are:

- (1) Exelon Generating Company LLC Procedure AP-AA-1000, *Early Site Permit Project Quality Assurance Instructions*, Revision 0.
- (2) CH2M Hill Procedure DEL-012-4, *Project Quality Plan for the Exelon Early Site Permit*, Revision 4.

These documents were informally requested (and voluntarily provided) during the inspection associated with the referenced report. This letter formally provides these documents.

Exelon Generating Company, LLC requests that both of the enclosed documents (and any previously provided copies) be withheld from public disclosure pursuant to 10 CFR § 2.390. These documents contain confidential proprietary information and therefore, should be held in confidence by the NRC because use of the information by a competitor would reduce the competitor's expenditure of resources, and improve its competitive position, in the assurance of quality for a similar Early Site Permit application.

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USNRC  
September 7, 2004  
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Please contact Mr. Thomas Mundy of my staff at 610-765-5662 or me if you have any questions or comments regarding this submittal or the request for withholding from disclosure.

Sincerely yours,

A handwritten signature in black ink, reading "Marilyn C. Kray". The signature is written in a cursive, flowing style.

Marilyn C. Kray  
Vice President, Project Development

MCK/TPM/erg

cc: U.S. NRC Regional Office (w/o enclosures)  
Ms. Nannette V. Gilles (w/o enclosures)

Enclosures: (1) EGC AP-AA-1000, Revision 0 and associated affidavit  
(2) CH2M Hill DEL-12-4, Revision 4 and associated affidavit

**AFFIDAVIT OF MARILYN C. KRAY**

State of Pennsylvania

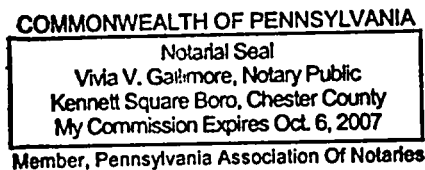
County of Chester

The foregoing document was acknowledged before me, in and for the County and State aforesaid, by Marilyn C. Kray, who is Vice President, Project Development, of Exelon Generation Company, LLC. She has affirmed before me that she is duly authorized to execute and file the foregoing document on behalf of Exelon Generation Company, LLC, and that the statements in the document are true to the best of her knowledge and belief.

Acknowledged and affirmed before me this 7<sup>th</sup> day of September, 2004.

My commission expires 10-6-07.

  
\_\_\_\_\_  
Notary Public



**APPLICATION UNDER 10 CFR § 2.390 FOR WITHHOLDING DOCUMENTS  
FROM PUBLIC DISCLOSURE AND AFFIDAVIT OF MARILYN C. KRAY**

I, Marilyn C. Kray, Vice President, Project Development for Exelon Generation Company, LLC, state that:

1. I am authorized to execute this affidavit on behalf of Exelon Generation Company, LLC.
2. Exelon Generation Company, LLC, (EGC) was requested by the U.S. Nuclear Regulatory Commission (NRC) to provide to the NRC a copy of AP-AA-1000, "Early Site Permit Project Quality Assurance Instructions," Revision 0. This request was made to support the NRC's review of EGC's Early Site Permit (ESP) application associated with the Clinton Power Station property. EGC has provided and is providing the EGC ESP Project Quality Assurance Instructions to the NRC voluntarily.
3. The aforesaid EGC ESP Project Quality Assurance Instructions contain confidential proprietary information and therefore, should be held in confidence by the NRC because:
  - a. This information has been held in confidence by Exelon Generation Company, LLC.
  - b. There is a rational basis for doing so because use of the information by a competitor would reduce the competitor's expenditure of resources, and improve its competitive position, in the assurance of quality for a similar Early Site Permit application.
  - c. This information is being transmitted to the NRC in confidence.
  - d. This information is generally not available in public sources and could not be gathered readily from other publicly available information.
4. Accordingly, the Exelon Generation Company, LLC requests that the designated document be withheld from public disclosure pursuant to 10 CFR § 2.390(a)(4).
5. EGC considers the entire document to be proprietary. Therefore, Exelon is not providing a non-proprietary version to the NRC.

10 CFR § 2.390

APPLICATION UNDER 10 CFR § 2.390 FOR WITHHOLDING DOCUMENTS  
FROM PUBLIC DISCLOSURE AND AFFIDAVIT OF MARILYN C. KRAY

Exelon Generation Company, LLC

Marilyn C. Kray  
Marilyn C. Kray, Vice President  
Project Development

STATE OF PENNSYLVANIA

COUNTY OF Chester

Subscribed and sworn to me, a Notary Public in and for the County and  
State above named, this 7<sup>th</sup> day of September, 2004.

Vivia V. Gallimore

My Commission Expires: 10-6-07

COMMONWEALTH OF PENNSYLVANIA


Notarial Seal  
Vivia V. Gallimore, Notary Public  
Kennett Square Boro, Chester County  
My Commission Expires Oct. 6, 2007

Member, Pennsylvania Association Of Notaries

**APPLICATION UNDER 10 CFR § 2.390 FOR WITHHOLDING DOCUMENTS  
FROM PUBLIC DISCLOSURE AND AFFIDAVIT OF ROBERT IOTTI**

I, Robert Iotti, President, Nuclear Group for CH2M HILL, Inc., state that:

1. I am authorized to execute this affidavit on behalf of CH2M HILL, Inc.
2. CH2M HILL, Inc. (CH2M HILL) is supporting a client, Exelon Generation Company, LLC, (Exelon) in preparing an Early Site Permit (ESP) Application for the U.S. Nuclear Regulatory Commission (NRC).
3. CH2M HILL was requested by Exelon to provide a copy of the "Project Quality Plan for Exelon Early Site Permit (rev. 4)" for the Exelon Early Site Permit Application Project. Exelon was requested by the NRC to provide to the NRC a copy of all Early Site Permit Project Quality Assurance Instructions in relation to the Early Site Permit Project. This request was made to support the NRC's review of Exelon's Early Site Permit application associated with the Clinton Power Station property.
4. The aforesaid CH2M HILL ESP Project Quality Plan for Exelon Early Site Permit (rev. 4) contains confidential proprietary information and therefore, should be held in confidence by Exelon and the NRC because:
  - a. This information has been held in confidence by CH2M HILL, Inc.
  - b. There is a rational basis for doing so because use of the information by a competitor would reduce the competitor's expenditure of resources, and improve its competitive position, in the assurance of quality for similar client for a similar Early Site Permit application.
  - c. This information is transmitted to Exelon in confidence.
  - d. This information is generally not available in public sources and could not be gathered readily from other publicly available information.
5. Accordingly, CH2M HILL, Inc. requests that the designated document be withheld from public disclosure pursuant to 10 CFR § 2.390(a)(4).

  
Robert Foti, President, Nuclear Group

10 CFR § 2.390

**APPLICATION UNDER 10 CFR § 2.390 FOR WITHHOLDING DOCUMENTS  
FROM PUBLIC DISCLOSURE AND AFFIDAVIT OF MARILYN KRAY**

STATE OF COLORADO

COUNTY OF Douglas

Subscribed and sworn to me, a Notary Public in and for the County and  
State above named, this 3rd day of September, 2004.



Elaine Roberts

My Commission Expires: October 1, 2004