

October 28, 2004

Ms. Marilyn C. Kray  
Vice President, Project Development  
Exelon Generation  
200 Exelon Way, KSA3-N  
Kennett Square, PA 19348

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR EXELON EARLY SITE PERMIT PROJECT QUALITY ASSURANCE PLAN

Dear Ms. Kray:

By letter dated September 7, 2004, and associated affidavits executed on September 3 and 7, 2004, by Marilyn C. Kray and Robert Iotti, respectively, you submitted Exelon Generating Company, LLC Procedures AP-AA-1000, "Early Site Permit Project Quality Assurance Instruction, Revision 0," and CH2M Hill Procedure DEL-0124, "Project Quality Plan for the Exelon Early Site Permit, Revision 4." You requested that these documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.390 (10 CFR 2.390).

The affidavits stated that the submitted information is generally not available in public sources and could not be gathered readily from other publicly available information, and that the information is being transmitted to the Commission in confidence. The affidavits further stated that the information referenced should be withheld from public disclosure because the information, if used 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.

We have reviewed your letter and affidavits in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the submitted information will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

M. Kray

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Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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 should also 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 301-415-1180.

Sincerely,

**/RA/**

Nanette V. Gilles, Exelon ESP Project Manager  
New Reactors Section  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Program  
Office of Nuclear Reactor Regulation

Docket No. 52-007

cc: See next page

M. Kray

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Nanette V. Gilles, Exelon ESP Project Manager  
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Division of Regulatory Improvement Program  
Office of Nuclear Reactor Regulation

Docket No. 52-007

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