



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 9, 2009

Mr. Jerald G. Head
Senior Vice President
GE Hitachi Nuclear Energy
Regulatory Affairs
P.O. Box 780
3901 Castle Hayne Road
MC A18
Wilmington, NC 28402

SUBJECT: PEACH BOTTOM ATOMIC POWER STATION, UNIT NO. 3: REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NOS. ME2360, ME2369, ME2370 AND ME2371)

Dear Mr. Head:

By letter to the Nuclear Regulatory Commission (NRC) dated November 19, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093290053), GE Hitachi Nuclear Energy (GEH), requested that the NRC remove, from ADAMS, documents associated with an NRC letter issued November 18, 2009 (ADAMS Accession No. ML093220232). By letter dated October 1, 2009 (ADAMS Accession No. ML0927904683), Exelon Generation Company, LLC, (Exelon), requested that the NRC withhold documents from public disclosure that were previously submitted by Exelon to the NRC as publically available information. As noted in your letter of November 19, 2009, the NRC staff has denied Exelon's request to withhold this information from public disclosure and provided a 30-day period to submit further, factual information to support the request.

The November 19, 2009, GEH letter requests that publicly-available documents which were the subject of Exelon's October 1, 2009, public withholding request, be removed from ADAMS during the 30-day period in which additional information may be provided. GEH states the following in support of this request:

Even though the information has been in the public domain for some time, it retains commercial value to GEH/GNF [Global Nuclear Fuel] for reasons delineated in the GNF affidavits and as will be discussed in more detail in the GEH/GNF appeal.

Contrary to this statement, the GNF affidavits provided with the October 1, 2009, Exelon request for withholding from public disclosure state the following:

The value of this information to GNF-A [Global Nuclear Fuel – Americas, LLC] would be lost if the information were disclosed to the public.

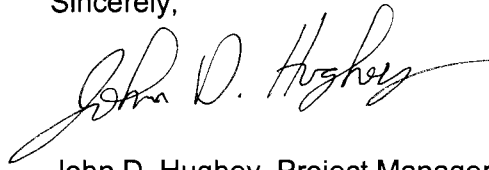
J. Head

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As indicated above, the NRC staff has considered the information delineated in the GNF affidavits and determined that withholding from public disclosure is not appropriate. No additional, factual information has been provided regarding the documents associated with the Exelon October 1, 2009, request for public withholding, to support the provisional removal from public availability through ADAMS. Therefore, the GEH letter dated November 19, 2009, does not provide a basis for the NRC to permanently or provisionally remove documents from public ADAMS.

If you have any questions regarding this matter, I may be reached at 301-415-3204.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Hughey". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John D. Hughey, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-278

cc: Ms. Pamela B. Cowan
Director, Licensing and Regulatory Affairs
Exelon Generation Company LLC
Correspondence Control
P.O. Box 160
Kennett Square, PA 19348

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As indicated above, the NRC staff has considered the information delineated in the GNF affidavits and determined that withholding from public disclosure is not appropriate. No additional, factual information has been provided regarding the documents associated with the Exelon October 1, 2009, request for public withholding, to support the provisional removal from public availability through ADAMS. Therefore, the GEH letter dated November 19, 2009, does not provide a basis for the NRC to permanently or provisionally remove documents from public ADAMS.

If you have any questions regarding this matter, I may be reached at 301-415-3204.

Sincerely,

/ra/

John D. Hughey, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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Director, Licensing and Regulatory Affairs
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DATE	12/03/2009	12/02/2009	12/08/2009	12/09/2009

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