

10 CFR 50.90

November 6, 2008

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Peach Bottom Atomic Power Station, Units 2 and 3
Renewed Facility Operating License Nos. DPR-44 and DPR-56
NRC Docket Nos. 50-277 and 50-278

Subject: Response to Request for Additional Information – Revision to Technical Specification 4.3.1.1.a Concerning k-infinity

- References:
- 1) Letter from P. B. Cowan (Exelon Generation Company, LLC) to U. S. Nuclear Regulatory Commission, "License Amendment Request – Revision to Technical Specification 4.3.1.1.a Concerning k-infinity," dated June 25, 2008
 - 2) Letter from J. D. Hughey (U. S. Nuclear Regulatory Commission) to P. B. Cowan (Exelon Generation Company, LLC), "Peach Bottom Atomic Power Station, Unit Nos. 2 and 3: Request for Withholding Information From Public Disclosure (TAC NOS. MD9154 and MD9155)," dated October 10, 2008

In the Reference 1 letter, Exelon Generation Company, LLC (Exelon) requested an amendment to Appendix A, Technical Specifications, of the Renewed Facility Operating Licenses DPR-44 and DPR-56. The proposed change would revise the maximum k-infinity value contained in Technical Specification 4.3.1.1.a for the storage of fuel assemblies in the spent fuel storage racks. The proposed maximum k-infinity value is 1.318.

In the Reference 2 letter, the U. S. Nuclear Regulatory Commission determined that the affidavit and associated proprietary document for which withholding from public disclosure is sought were not in conformance with 10 CFR 2.390(b). Accordingly, attached is an amended affidavit and proprietary document.

Enclosure 1 transmitted herewith contains Proprietary Information. When separated from the enclosure, this transmittal document is decontrolled.

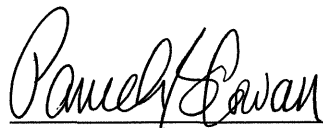
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Accordingly, Enclosure 1 contains information proprietary to Northeast Technology Corporation. Northeast Technology Corporation requests that the proprietary document be withheld from public disclosure in accordance with 10 CFR 2.390(a)(4). An affidavit supporting this request is also contained in Enclosure 1. The Reference 1 letter contained a non-proprietary version of the Northeast Technology Corporation document.

If any additional information is needed, please contact Tom Loomis at (610) 765-5510.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 6th of November, 2008.

Respectfully,



Pamela B. Cowan
Director - Licensing & Regulatory Affairs
Exelon Generation Company, LLC

Enclosure: (1) Criticality Analysis of the Peach Bottom Spent Fuel Racks for GNF 2 Fuel with Boraflex Panel Degradation Projected to May 2012 (Affidavit and Proprietary Version)

cc: S. J. Collins, Regional Administrator, Region I, USNRC
F. L. Bower, USNRC Senior Resident Inspector, PBAPS
J. Hughey, Project Manager [PBAPS] USNRC
R. R. Janati, Commonwealth of Pennsylvania
P. Steinhauer, PSEG
S. T. Gray, State of Maryland

ENCLOSURE 1

**CRITICALITY ANALYSIS OF THE PEACH BOTTOM SPENT FUEL RACKS FOR GNF 2
FUEL WITH BORAFLEX PANEL DEGRADATION PROJECTED TO MAY 2012**

PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3

Affidavit and Proprietary Version



AFFIDAVIT

I, Kenneth O. Lindquist, President of Northeast Technology Corporation, do hereby affirm and state:

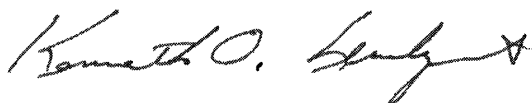
1. I am the President of Northeast Technology Corporation (NETCO) authorized to execute this affidavit on its behalf. I am further authorized to review information submitted to the Nuclear Regulatory Commission (NRC) and apply to the NRC for the withholding of information from disclosure.
2. The information sought to be withheld is contained in the NETCO technical report, "Criticality Analysis of the Peach Bottom Spent Fuel Racks for GNF-2 Fuel with Boraflex Panel Degradation Projected to May 2012," designated as NET-264-02, Rev 1, and the proprietary information is identified by the use of brackets.
3. In making this application for withholding of proprietary information of which it is the owner, NETCO relies on provisions of NRC regulation 10 CFR 2.390(a)(4). The information for which exemption from disclosure is sought is confidential commercial information.
4. The proprietary information provided by NETCO should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR 2.390(a)(4) because:
 - a) The information sought to be withheld in the NETCO technical report (see paragraph 2 above) is and has been held in confidence by NETCO.
 - b) This information is of a type that is customarily held in confidence by NETCO, and there is a rational basis for doing so because the information contains methodology, data and supporting information developed by NETCO that could be used by a competitor as a competitive advantage.
 - c) This information is being transmitted to the NRC in confidence.
 - d) This information sought to be withheld, to the best of my knowledge and belief, is not available in public sources and no public disclosure has been made.

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- e) The information sought to be withheld contains NETCO developed methodology, data and supporting information that could be used by a competitor as a competitive advantage, and would result in substantial harm to the competitive position of NETCO. This information would reduce the expenditure of resources and improve his competitive position in the implementation of a similar product. Third party agreements have been established to ensure maintenance of the information in confidence. The development of the methodology, data and supporting information was achieved at a significant cost to NETCO. Public disclosure of this information sought to be withheld is likely to cause substantial harm to NETCO's competitive position and reduce the availability of profit-making opportunities.
5. Initial approval of proprietary treatment of a document is made by the President of NETCO, the person most likely to be familiar with the value and sensitivity of the information and its relation to industry knowledge. Access to such information within NETCO is on a "need to know" basis.
6. Accordingly, NETCO requests that the designated document be withheld from public disclosure pursuant to 10 CFR 2.390 (a) (4).

I declare under penalty of perjury that the foregoing affidavit and statements therein are true and correct to the best of my knowledge, information and belief.



Kenneth O. Lindquist
President
Northeast Technology Corporation

November 4, 2008



LORI A. CELUCH
Notary Public, State of New York
Reg. No. 9070041
Resident in and for Ulster County
Commission Expires Dec. 9, 2010