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

September 16, 2009

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

SUBJECT: PEACH BOTTOM ATOMIC POWER STATION, UNIT NOS. 2 AND 3: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NOS. MD9154 AND MD9155)

Dear Ms. Cowan:

By letter to the Nuclear Regulatory Commission (NRC) dated June 12, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091740446), Exelon Generation Company, LLC, (Exelon) submitted an affidavit dated May 28, 2009, executed by Mr. Kenneth O. Lindquist, President, Northeast Technology Corporation (NETCO), requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390(a)4:

> "Criticality Analysis of the Peach Bottom Spent Fuel Racks for GNF-2 Fuel with Boraflex Panel Degradation Projected to May 2010," designated as NET-264-02, Rev. 3.
>
> "Characterization of Boraflex Panel Degradation in the Peach Bottom Unit 2 Spent Fuel Pool Projected to May 2010," designated as NET-264-03, Rev. 1.
>
> "Response for Request for Additional Information – Revision to Technical Specification 4.3.1.1.a Concerning k-infinity, Revision 1," designated as Attachment 5 to Exelon letter dated June 12, 2009, (ADAMS Accession No. ML091740446).

Nonproprietary copies of these documents have been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

(4)(a) The information sought to be withheld in the NETCO technical report (see paragraph 2 above [in NETCO affidavit]) is and has been held in confidence by NETCO.

(4)(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.

(4)(c) This information is being transmitted to the NRC in confidence.

(4)(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.

(4)(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.

We have reviewed your application and the material in accordance with requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked proprietary 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.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the 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 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 also should 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 301-415-3204.

Sincerely,

John D. Hughey

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

Docket Nos. 50-277 and 50-278

cc: Kenneth O. Lindquist
President
Northeast Technology Corporation
108 N. Front Street
UPO Box 4178
Kingston, NY 12402

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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
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