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TS 5.6.5.d

November 18, 2011

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

Peach Bottom Atomic Power Station, Unit 2
Renewed Facility Operating License No. DPR- 44
NRC Docket No. 50-277

Subject: Issuance of the Core Operating Limits Report for Reload 18, Cycle 19, Revision 7

Enclosed is a copy of Revision 7 of the Core Operating Limits Report (COLR) for Peach Bottom Atomic Power Station (PBAPS), Unit 2 for Reload 18, Cycle 19. Revision 7 of this report was required to correct non-conservative Minimum Critical Power Ratio (MCPR) Asymmetric Feedwater Temperature operation (AFTO) thermal limit penalties.

This COLR is being submitted to the NRC as required by the PBAPS, Unit 2 Technical Specifications (TS) Section 5.6.5.d.

Attachment 1 contains information proprietary to Global Nuclear Fuel. Global Nuclear Fuel requests that the document be withheld from public disclosure in accordance with 10 CFR 2.390(a)(4). An affidavit supporting this request is also contained in Attachment 1. Attachment 2 contains a non-proprietary version of the Global Nuclear Fuel document.

Should you have any questions concerning this letter, please contact Dave Foss at (717) 456-4311.



James M. Armstrong
Regulatory Assurance Manager
Peach Bottom Atomic Power Station

CCN: 11-95 / IR 1249375

Attachments:

1. Core Operating Limits Report for Reload 18, Cycle 19, Revision 7 (including Affidavit and Proprietary Version)
2. Core Operating Limits Report for Reload 18, Cycle 19, Revision 7 (Non-Proprietary Version)

cc: Regional Administrator, Region I, USNRC (without attachments)
USNRC Senior Resident Inspector, PBAPS (without attachments)
Project Manager – PBAPS, USNRC (with attachments)
R. R. Janati, Pennsylvania Bureau of Radiation Protection (without attachments)
S. T. Gray, State of Maryland (without attachments)

A001

NRR

ATTACHMENT 2

Core Operating Limits Report for Reload 18, Cycle 19, Revision 7
Non-Proprietary Version

Global Nuclear Fuel - Americas LLC

AFFIDAVIT

I, Andrew A. Lingefelter, state as follows:

- (1) I am Vice President, Fuel Engineering, of Global Nuclear Fuel – Americas, LLC (GNF-A), and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in the GNF-A proprietary report, 0000-0110-4769-FBIR Revision 1, *Fuel Bundle Information Report for Peach Bottom Unit 2, Reload 18 Cycle 19*, Class III, (GNF-A Proprietary Information), dated August 2010. GNF-A proprietary information in 0000-0110-4769-FBIR Revision 1 is identified by a dark red dotted underline inside double square brackets. [[This sentence is an example.⁽³⁾]] Figures and large equation objects containing GNF-A proprietary information are identified with double square brackets before and after the object. In each case, the superscript notation ⁽³⁾ refers to Paragraph (3) of this affidavit that provides the basis for the proprietary determination.
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GNF-A relies upon the exemption from disclosure set forth in the Freedom of Information Act (FOIA), 5 USC Sec. 552(b)(4), and the Trade Secrets Act, 18 USC Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), and 2.390(a)(4) for trade secrets (Exemption 4). The material for which exemption from disclosure is here sought also qualifies under the narrower definition of trade secret, within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975 F2d 871 (DC Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F2d 1280 (DC Cir. 1983).
- (4) The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. Some examples of categories of information that fit into the definition of proprietary information are:
 - a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by GNF-A's competitors without license from GNF-A constitutes a competitive economic advantage over GNF-A and/or other companies.
 - b. Information that, if used by a competitor, would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
 - c. Information that reveals aspects of past, present, or future GNF-A customer-funded development plans and programs, that may include potential products of GNF-A.

- d. Information that discloses trade secret and/or potentially patentable subject matter for which it may be desirable to obtain patent protection.
- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to the NRC in confidence. The information is of a sort customarily held in confidence by GNF-A, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GNF-A, not been disclosed publicly, and not been made available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary and/or confidentiality agreements that provide for maintaining the information in confidence. The initial designation of this information as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure are as set forth in the following paragraphs (6) and (7).
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, who is the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or who is the person most likely to be subject to the terms under which it was licensed to GNF-A. Access to such documents within GNF-A is limited to a "need to know" basis.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist, or other equivalent authority for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GNF-A are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary and/or confidentiality agreements.
- (8) The information identified in paragraph (2) above is classified as proprietary because it contains details of GNF-A's fuel design and licensing methodology for the Boiling Water Reactor (BWR). Development of these methods, techniques, and information and their application for the design, modification, and analyses methodologies and processes was achieved at a significant cost to GNF-A. The development of the evaluation process along with the interpretation and application of the analytical results is derived from the extensive experience database that constitutes a major GNF-A asset.
- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GNF-A's competitive position and foreclose or reduce the availability of profit-making opportunities. The fuel design and licensing methodology is part of GNF-A's comprehensive BWR safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

The research, development, engineering, analytical and NRC review costs comprise a substantial investment of time and money by GNF-A. The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial. GNF-A's competitive advantage will be lost if its competitors are able to use the results of the GNF-A experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to GNF-A would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GNF-A of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

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

Executed on this 11th day of August, 2010



Andrew A. Lingenfelter
Vice President, Fuel Engineering
Global Nuclear Fuel - Americas LLC