



**PROPRIETARY INFORMATION – WITHHOLD UNDER 10 CFR 2.390**

10 CFR 50.90  
10 CFR 2.390

July 30, 2013

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

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

Subject: Extended Power Uprate License Amendment Request – Supplement 6  
Response to Request for Additional Information - Extended Power Uprate

Reference: 1. Exelon letter to the NRC, “License Amendment Request -  
Extended Power Uprate,” dated September 28, 2012  
(ADAMS Accession No. ML122860201)  
2. NRC letter to Exelon, “Request for Additional Information  
Regarding License Amendment Request for Extended Power  
Uprate (TAC Nos. ME9631 AND ME9632),” dated July 3, 2013  
(ADAMS Accession No. ML13183A199)

In accordance with 10 CFR 50.90, Exelon Generation Company, LLC (EGC) requested amendments to Facility Operating License Nos. DPR-44 and DPR-56 for Peach Bottom Atomic Power Station (PBAPS) Units 2 and 3, respectively (Reference 1). Specifically, the proposed changes would revise the Renewed Operating Licenses to implement an increase in rated thermal power from 3514 megawatts thermal (MWt) to 3951 MWt. During their technical review of the application, the NRC Staff identified the need for additional information. Reference 2 provided the Request for Additional Information.

This letter addresses questions from the staff of the Performance and Code Review Branch (SNPB) of the U. S. Nuclear Regulatory Commission and provides information to support the review of the extended power uprate.

**Attachment 1 contains Proprietary Information.  
When separated from Attachment 1, this document is decontrolled.**

GE Hitachi Nuclear Energy America (GEH) considers portions of the information provided in the attached response to be proprietary and therefore exempt from public disclosure pursuant to 10 CFR 2.390. The proprietary information in Attachment 1 is clearly identified. A non-proprietary version of this information is provided in Attachment 2. In accordance with 10 CFR 2.390, EGC requests Attachment 1 be withheld from public disclosure. An affidavit supporting this request for withholding is included as Attachment 3.

EGC has reviewed the information supporting a finding of no significant hazards consideration and the environmental consideration provided to the U. S. Nuclear Regulatory Commission in Reference 1. The supplemental information provided in this submittal does not affect the bases for concluding that the proposed license amendment does not involve a significant hazards consideration. Further, the additional information provided in this submittal does not affect the bases for concluding that neither an environmental impact statement nor an environmental assessment needs to be prepared in connection with the proposed amendment.

In accordance with 10 CFR 50.91, "Notice for public comment; State consultation," paragraph (b), EGC is notifying the Commonwealth of Pennsylvania and the State of Maryland of this application by transmitting a copy of this letter along with the non-proprietary attachments to the designated State Officials.

There are no regulatory commitments contained in this letter.

Should you have any questions concerning this letter, please contact Mr. David Neff at (610) 765-5631.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 30th day of July, 2013.

Respectfully,



Kevin F. Borton  
Manager, Licensing – Power Uprate  
Exelon Generation Company, LLC

Attachments:

1. Response to Request for Additional Information – SNPB - Proprietary
2. Response to Request for Additional Information – SNPB
3. Affidavit in Support of Request to Withhold Information

cc: USNRC Region I, Regional Administrator	w/attachments
USNRC Senior Resident Inspector, PBAPS	w/attachments
USNRC Project Manager, PBAPS	w/attachments
R. R. Janati, Commonwealth of Pennsylvania	w/o proprietary attachments
S. T. Gray, State of Maryland	w/o proprietary attachments

**Attachment 3**

**Peach Bottom Atomic Power Station Units 2 and 3**

**NRC Docket Nos. 50-277 and 50-278**

**Affidavit in Support of Request to Withhold Information**

**Note**

Attachment 1 contains proprietary information as defined by 10 CFR 2.390. GEH, as the owner of the proprietary information, has executed the enclosed affidavit, which identifies that the proprietary information has been handled and classified as proprietary, is customarily held in confidence, and has been withheld from public disclosure. The proprietary information has been faithfully reproduced in the attachment such that the affidavit remains applicable.

**GE-Hitachi Nuclear Energy – Americas, LLC**  
**AFFIDAVIT**

**I, James F. Harrison,** state as follows:

- (1) I am the Vice President, Regulatory Affairs, Fuel Licensing, GE-Hitachi Nuclear Energy Americas LLC (GEH), 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 Enclosure 1 of GEH letter, GEH-PBAPS-EPU-423, “Review of GEH Proprietary Information in Exelon SNPB RAI Responses” dated July 25, 2013. The GEH proprietary information in Enclosure 1, which is entitled “Review of GEH Proprietary Information in Exelon SNPB RAI Responses,” is identified by a dotted underline inside double square brackets. [[This sentence is an example.<sup>{3}</sup>]] In each case, the superscript notation <sup>{3}</sup> refers to Paragraph (3) of this affidavit, which 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, GEH relies upon the exemption from disclosure set forth in the *Freedom of Information Act* (“FOIA”), 5 U.S.C. §552(b)(4), and the *Trade Secrets Act*, 18 U.S.C. §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 F.2d 871 (D.C. Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F.2d 1280 (D.C. 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 GEH's competitors without license from GEH constitutes a competitive economic advantage over 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 GEH customer-funded development plans and programs, resulting in potential products to GEH;
  - 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 NRC in confidence. The information is of a sort customarily held in confidence by GEH, 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 GEH, 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 GEH. Access to such documents within GEH 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 GEH 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 the description of GEH models, methods and processes used in the extended power uprate analyses. The development of these models, methods and processes was achieved at a significant cost to GEH.

The development of these GEH models, methods and processes is derived from the extensive experience database that constitutes a major GEH asset.

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GEH's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GEH'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.

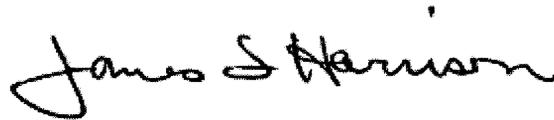
The research, development, engineering, analytical, and NRC review costs comprise a substantial investment of time and money by GEH. The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to

quantify, but it clearly is substantial. GEH's competitive advantage will be lost if its competitors are able to use the results of the GEH 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 GEH 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 GEH 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 25<sup>th</sup> day of July 2013.

A handwritten signature in black ink that reads "James F. Harrison". The signature is written in a cursive style with a prominent initial "J" and "H".

James F. Harrison  
Vice President, Fuel Licensing  
GE-Hitachi Nuclear Energy Americas, LLC