



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

May 8, 2014

Bruce S. Montgomery
Manager, Fleet Nuclear Safety and Security
Constellation Energy Nuclear Group, LLC
100 Constellation Way, Suite 200C
Baltimore, MD 21202

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2, NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2, AND R. E. GINNA NUCLEAR POWER PLANT (TAC NOS. MF2584, MF2585, MF2586, MF2587, AND MF2588)

Dear Mr. Montgomery:

By email dated March 21, 2014, the Nuclear Regulatory Commission (NRC) staff requested that you review its safety evaluation (SE) to identify proprietary information. By letter dated March 28, 2014, you submitted an affidavit dated March 27, 2014, executed by Bryan P. Wright, Senior Vice President and Chief Financial Officer of Exelon Generation Company, LLC, requesting that appropriate information contained in the NRC staff's SE be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390.

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

- i. This information is and has been held in confidence by the Applicants [Constellation Energy Nuclear Group, LLC, Exelon Generation Company, LLC, Calvert Cliffs Nuclear Power Plant, LLC, Nine Mile Point Nuclear Station, LLC, and R.E. Ginna Nuclear Power Plant, LLC].
- ii. This information is of a type that is customarily held in confidence by the Applicants, and there is a rational basis for doing so because the information contains sensitive financial information concerning projected revenues and operating expenses of the Applicants. The information is previously undisclosed financial information about the profitability of individual nuclear plant sites and business units. Applicants submitted the underlying information from which the NRC staff derived the proprietary information in the SE in confidence, with appropriate requests to protect the confidentiality of the information.
- iii. This information was transmitted to the NRC voluntarily and in confidence.
- iv. The information is not available in public sources and could not be gathered readily from other publicly available information.

- v. Public disclosure of this information would create substantial harm to the competitive position of the Applicants by disclosing their internal financial projections.

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

Therefore, the information marked as 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. A non-proprietary copy of the SE has been placed in the NRC's Public Document Room and added to the NRC Library in the Agencywide Documents Access and Management System.

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.

B. Montgomery

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If you have any questions regarding this matter, I may be reached at 301-415-1016.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nadiyah S. Morgan', with a long, sweeping horizontal line extending to the right.

Nadiyah S. Morgan, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-317, 50-318, 50-220, 50-410, 50-244, and 72-8

cc: Mr. George H. Gellrich, Vice President
Calvert Cliffs Nuclear Power Plant, Inc.
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, MD 20657-4702

Christopher Costanzo
Nine Mile Point Nuclear Station, LLC
P. O. Box 63
Lycoming, New York 13093

Mr. Joseph E. Pacher
Vice President
R.E. Ginna Nuclear Power Plant
R.E. Ginna Nuclear Power Plant, LLC
1503 Lake Road
Ontario, NY 14519

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B. Montgomery

- 3 -

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Sincerely,

/RA/

Nadiyah S. Morgan, Project Manager
Plant Licensing Branch I-1
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