



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

October 14, 2014

Mr. Michael J. Pacilio  
President and Chief Nuclear Officer  
Exelon Nuclear  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR PEACH BOTTOM ATOMIC POWER STATION, UNIT NOS. 2 AND 3  
(TAC NOS. MF4760 AND MF4761)

Dear Mr. Pacilio:

By letter to the Nuclear Regulatory Commission (NRC) dated September 4, 2014, Exelon Generation Company, LLC (Exelon) submitted two affidavits in Attachment 6 to its letter as follows:

- GE-Hitachi Nuclear Energy Americas LLC (GEH) affidavit dated August 25, 2014, executed by Mr. Peter M. Yandow; and
- Electric Power Research Institute, Inc. (EPRI) affidavit dated August 21, 2014, executed by Mr. Kurt Edsinger.

Exelon requested that the information contained in Attachment 4 to its letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390. Specifically, Exelon requested that the following document be withheld:

NEDC-33720P, Revision 0, Safety Analysis Report for Peach Bottom Atomic Power Station, Units 2 & 3, Maximum Extended Load Line Limit Analysis Plus

A non-proprietary copy of the document (Attachment 5 to Exelon's letter) has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- (4)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; and
- (4)b. Information that, if used by a competitor, would reduce its expenditure of resources or improve its competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

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

- c. The information sought to be withheld is considered to be proprietary for the following reasons. EPRI made a substantial economic investment to develop the Proprietary Information and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Proprietary Information. If the Proprietary information were publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry, they would be able to use the Proprietary Information for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Proprietary Information.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavits, 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 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.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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.

M. Pacilio

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If you have any questions regarding this matter, I may be reached at 301-415-1420.

Sincerely,

A handwritten signature in black ink, appearing to read 'RBE', with a stylized flourish extending to the right.

Richard B. Ennis, Senior 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: Mr. Peter M. Yandow  
Vice President, Nuclear Plant Projects/Services  
Licensing, Regulatory Affairs  
GE-Hitachi Nuclear Energy Americas LLC  
3901 Castle Hayne Road, M/C A-65  
Wilmington, NC 28401

Mr. Kurt Edsinger  
Director, PWR and BWR Materials  
Electric Power Research Institute, Inc.  
3420 Hillview Avenue  
Palo Alto, CA 94304

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M. Pacilio

- 3 -

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*/ra/*

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