



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

August 28, 2017

Mr. Bryan C. Hanson
Senior Vice President
Exelon Generation Company, LLC
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR JAMES A. FITZPATRICK NUCLEAR POWER PLANT (CAC NO. MG0014)

Dear Mr. Hanson:

By application dated July 24, 2017 (Agencywide Documents Access and Management System Accession No. ML1706A395), you submitted an affidavit dated July 18, 2017, executed by Bryan P. Wright, 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) Section 2.390:

Application for Order Approving Transfer of Direct Ownership Under Renewed Facility Operating License and Proposed Conforming License Amendment

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

The Applicants are providing information in support of the application for an Order approving a transfer of ownership from Exelon Generation Company, LLC to its wholly owned subsidiary, Exelon FitzPatrick, LLC. The documents being provided in Enclosures 6A and 8A contain proprietary financial information and financial projections related to the ownership and operation of the Applicants' generation assets. These documents constitute proprietary commercial and financial information that should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR §§ 2.390(a)(4) and 9.17(a)(4), because:

- i. This information is and has been held in confidence by the Applicants.
- 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.
- iii. This information is being transmitted to the NRC voluntarily and in confidence.
- iv. This 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 projects.

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 affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, Enclosures 6A and 8A, 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 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 U.S. Nuclear Regulatory Commission (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 301-415-2934 or booma.venkataraman@nrc.gov.

Sincerely,

A handwritten signature in black ink that reads "V. Boome". The signature is written in a cursive style and is underlined with a single horizontal line.

Booma Venkataraman, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-333

cc: Distribution via Listserv

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DATED AUGUST 28, 2017

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