



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

October 4, 2018

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

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR "ASSET PURCHASE AND SALE AGREEMENT BY AND BETWEEN EXELON GENERATION COMPANY, LLC, OYSTER CREEK ENVIRONMENTAL PROTECTION, LLC, AND HOLTEC INTERNATIONAL (PROPRIETARY) (WITHOUT EXHIBITS)" (EPID NO. L-2018-LLM-0002)

Dear Mr. Hanson:

By letter dated August 31, 2018,¹ to the U.S. Nuclear Regulatory Commission (NRC), Exelon Generation Company, LLC (Exelon) submitted an affidavit, dated August 31, 2018, executed by Andrew R. Ryan, Esquire, General Counsel of Holtec International (Holtec), requesting that information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390:

Enclosure 2A – Asset Purchase and Sale Agreement by and between Exelon Generation Company, LLC, Oyster Creek Environmental Protection, LLC, and Holtec International (Proprietary) (without exhibits)

The letter and the nonproprietary version of Enclosure 2, "Asset Purchase and Sale Agreement by and between Exelon Generation Company, LLC, Oyster Creek Environmental Protection, LLC, and Holtec International (Non-Proprietary) (without exhibits)," have been placed in the NRC's Public Document Room and added to the NRC Library in ADAMS.

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 Holtec International.

¹ Agencywide Documents Access and Management System (ADAMS) Accession No. ML18243A489.

- ii. This information is of a type that is customarily held in confidence by Holtec International, and there is a rational basis for doing so because the information contains sensitive financial information concerning projected revenues and operating expenses of the Holtec International.
- 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 Holtec International by disclosing their internal financial projections.

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, 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 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.

If you have any questions regarding this matter, I may be reached at 301-415-3100.

Sincerely,

A handwritten signature in black ink, appearing to read "John G. Lamb". The signature is fluid and cursive, with the first name "John" being the most prominent.

John G. Lamb, Senior Project Manager
Special Projects and Process Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-219

cc: Andrew R. Ryan, Esquire
General Counsel
Holtec International
Holec Technology Center
1 Holtec Boulevard
Camden, NJ 08104

Listserv

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR "ASSET PURCHASE AND SALE AGREEMENT BY AND BETWEEN EXELON GENERATION COMPANY, LLC, OYSTER CREEK ENVIRONMENTAL PROTECTION, LLC, AND HOLTEC INTERNATIONAL (PROPRIETARY) (WITHOUT EXHIBITS)" (EPID NO. L-2018-LLM-0002) DATED OCTOBER 4, 2018

DISTRIBUTION:

- PUBLIC
- PM File Copy
- RidsACRS_MailCTR Resource
- RidsNrrDorLspb Resource
- RidsNrrLAJBurkhardt Resource
- RidsNrrPMOysterCreek Resource
- RidsNrrDlpPfpb Resource
- RidsRgn1MailCenter Resource

ADAMS Accession No. ML18253A221 ***via email**

OFFICE	NRR/DORL/LSPB/PM	NRR/DORL/LAIt*	NRR/DORL/LSPB/LA
NAME	JLamb	PTalukdar	JBurkhardt
DATE	9/28/18	9/27/18	9/28/18
OFFICE	NRR/DLP/PFPB/BC*	NRR/DORL/LSPB/BC	NRR/DORL/LSPB/PM
NAME	ABowers	DBroaddus	JLamb
DATE	9/28/18	10/4/18	10/4/18

OFFICIAL RECORD COPY