



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

June 26, 2013

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. MF1970 AND MF1971)

Dear Mr. Pacilio:

By letter to the Nuclear Regulatory Commission (NRC) dated June 10, 2013, Exelon Generation Company, LLC (Exelon) submitted a GE-Hitachi Nuclear Energy Americas LLC (GEH) affidavit dated May 23, 2013, executed by Mr. Peter M. Yandow (Attachment 5 to Exelon's letter). Exelon requested that the information contained in Attachment 3 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:

GEH Report NEDC-33533P, Revision 1, "Peach Bottom Atomic Power Station, Units 2 and 3, Safety Valve Setpoint Tolerance Increase Safety Analysis Report"

A non-proprietary copy of the document (Attachment 4 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 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 GEH or other companies; and
- (4)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.

M. Pacilio

- 2 -

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 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.

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

Sincerely,



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
NPP/Services Licensing Manager
Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28401

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/ra/
 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
 NPP/Services Licensing Manager
 Regulatory Affairs
 GE-Hitachi Nuclear Energy Americas LLC
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 Wilmington, NC 28401

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