



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

October 22, 2012

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. ME9631 AND ME9632)

Dear Mr. Pacilio:

By letter dated September 28, 2012, Exelon Generation Company, LLC (Exelon) submitted an affidavit dated September 14, 2012, by GE-Hitachi Nuclear Energy Americas LLC (GEH) executed by Mr. Edward D. Scrull (Attachment 5 to Exelon's letter), to the Nuclear Regulatory Commission (NRC). Exelon requested that the information contained in Attachment 6 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-33566P, Revision 0, Safety Analysis Report for Exelon Peach Bottom Atomic Power Station, Units 2 and 3, Constant Pressure Power Uprate

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 and/or other companies; and
- (4)b. Information which, 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.

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. Edward D. Schrull  
Vice President, Regulatory Affairs  
Services Licensing  
GE-Hitachi Nuclear Energy Americas LLC  
3901 Castle Hayne Road  
Wilmington, NC 28401

Additional Distribution via Listserv

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,  
*/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. Edward D. Schroll  
Vice President, Regulatory Affairs  
Services Licensing  
GE-Hitachi Nuclear Energy Americas LLC  
3901 Castle Hayne Road  
Wilmington, NC 28401

Additional Distribution via Listserv

DISTRIBUTION:

PUBLIC  
LPL1-2 R/F  
RidsNrrDorLpl1-2 Resource  
RidsNrrLAABaxter Resource  
RidsNrrPMPeachBottom Resource  
RidsOgcMailCenter Resource  
RidsAcrcAcnw\_MailCTR Resource  
RidsRgn1MailCenter Resource

**ADAMS Accession No.: ML12279A285**

OFFICE	LPL1-2/PM	LPL1-2/LAit	LPL1-2/LA	LPL1-2/BC
NAME	REnnis	SLent	ABaxter	MKhanna
DATE	10/9/12	10/12/12	10/16/12	10/22/12

**OFFICIAL RECORD COPY**