



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

September 16, 2009

Ms. Pamela B. Cowan
Director, Licensing and Regulatory Affairs
Exelon Generation Company LLC
Correspondence Control
P.O. Box 160
Kennett Square, PA 19348

SUBJECT: PEACH BOTTOM ATOMIC POWER STATION, UNIT NOS. 2 AND 3: REQUEST
FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NOS. MD9154 AND MD9155)

Dear Ms. Cowan:

By letter to the Nuclear Regulatory Commission (NRC) dated June 12, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091740446), Exelon Generation Company, LLC, (Exelon) reclassified the following document from proprietary to non-proprietary and included it as Attachment 1:

Appendix A to NET-264-02 P, Revision 1, "Criticality Analysis of the Peach Bottom Spent Fuel Racks for GNF-2 Fuel with Boraflex Panel Degradation Projected to May 2012."

This document was previously submitted to the NRC under affidavit dated June 23, 2008, as an attachment to Exelon letter dated June 25, 2008 (ADAMS Accession No. ML081820348). Exelon resubmitted a revised affidavit dated November 4, 2008, as an attachment to letter dated November 6, 2008 (ADAMS Accession No. ML083190840). The revised affidavit corrected deficiencies identified by the NRC in the original affidavit.

The NRC staff reviewed the submittals and associated material in accordance with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390 and, on the basis of the statements in the submittal, determined that the information sought to be withheld contained proprietary commercial information and should be withheld from public disclosure. The version of the submitted information marked proprietary was 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. This Agency decision was documented and transmitted in NRC letter dated December 29, 2008 (ADAMS Accession No. ML083370279).

Subsequently, the NRC staff determined that the information in Appendix A of the Northeast Technology Corporation report designated NET-264-02, Rev. 1, does not meet the criteria of 10 CFR 2.390(b)(4)(iv) in that this information has been previously submitted to the NRC as publically available and is presently publically available under ADAMS Accession No. ML081050374. The NRC staff notified Exelon that the document would no longer be withheld

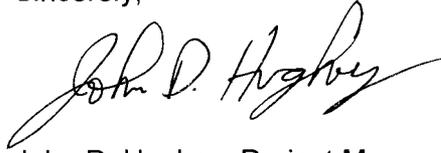
P. Cowan

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from public disclosure and would be placed in ADAMS as publically available. Accordingly, this document is now publically available in ADAMS under Accession No. ML091740446.

If you have any questions regarding this matter, I may be reached at 301-415-3204.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Hughey". The signature is fluid and cursive, with a long horizontal stroke at the end.

John D. Hughey, 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: Kenneth O. Lindquist
President
Northeast Technology Corporation
108 N. Front Street
UPO Box 4178
Kingston, NY 12402

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Sincerely,

/ra/

John D. Hughey, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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