



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

May 15, 2015

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: LASALLE COUNTY STATION, UNITS 1 AND 2 – DENIED REQUEST TO
WITHHOLD INFORMATION RELATED TO THE LICENSE AMENDMENT
REQUEST TO REVISE THE ULTIMATE HEAT SINK TEMPERATURE LIMITS
(TAC NOS. ME9076 AND ME9077)**

Dear Mr. Hanson:

By application dated July 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12200A330), Exelon Generation Company, LLC (the licensee) submitted a license amendment request (LAR) for LaSalle County Station (LSCS), Units 1 and 2, to revise Technical Specification 3.7.3, "Ultimate Heat Sink [UHS]." By letter dated April 15, 2015 (ADAMS Accession No. ML15113AB115), the licensee provided the following design analysis documents to support the LAR:

- LSCS Design Analysis L-002453, Revision 4, "UHS Heat Load Calculation," October 2, 2013 (proprietary and nonproprietary versions), with Attachments C, D, and F; and
- LSCS Design Analysis L-002457, Revision 8, "UHS Calculation," October 2, 2013 (nonproprietary).

The licensee states that the information provided with the April 15, 2015, letter supersedes the information it provided by letters dated October 4, 2013; February 20, 2014; December 18, 2014; and January 23, 2015 (ADAMS Accession Nos. ML13282A339, ML14066A250, ML14352A189, and ML15035A091, respectively) related to Design Analysis L-002453, Design Analysis L-002453, and the previous GE-Hitachi Nuclear Energy Americas LLC (GEH) requests to withhold information from public disclosure. The licensee's April 15, 2015, letter also requested that the February 20, 2014; December 18, 2014; and January 23, 2015, submittals be withdrawn from the U.S. Nuclear Regulatory Commission (NRC) records in their entirety. The NRC staff will respond to this request separately. The attachments to the October 4, 2013, letter related to Design Analysis L-002453 and Design Analysis L-002453 were previously withdrawn (ADAMS Accession No. ML14282A094).

The licensee's April 15, 2015, letter included an affidavit dated December 4, 2014, executed by James F. Harrison of GEH requesting that some information included with the letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.390. This is the same affidavit previously provided with the December 18, 2014, letter. The NRC staff's review of this request is discussed below.

Background

The licensee originally provided the design analysis documents listed above as attachments to its October 4, 2013, letter. Subsequently, the NRC staff informed the licensee that the proprietary markings in the two documents provided on October 4, 2013, appeared to be inadequate. In its February 20, 2014, letter, the licensee provided revised proprietary and nonproprietary versions of the two documents.

The February 20, 2014, letter, included an affidavit dated February 14, 2014, executed by Peter M. Yandow of GEH requesting that some information included with the letter be withheld from public disclosure pursuant to 10 CFR 2.390. By letter dated December 4, 2014 (ADAMS Accession No. ML14282A102), the NRC staff issued a request for additional information (RAI) regarding the information GEH claimed to be proprietary. By letters dated December 18, 2014, and January 23, 2015, the licensee responded to the staff's RAI. These letters also included revised proprietary and nonproprietary versions of the documents provided with the February 20, 2014, letter. The only changes to these documents were the information considered to be proprietary.

The NRC staff informed the licensee by phone call and email dated February 18, 2015 (ADAMS Accession No. ML15051A282), that the December 4, 2014, GEH affidavit lacks specificity to address many of the staff's questions in the RAI. The licensee provided the information in its April 15, 2015, letter, in response to these concerns.

NRC Staff Assessment

The December 4, 2014, GEH affidavit requested that marked information in the following document be withheld from public disclosure pursuant to 10 CFR 2.390:

- Enclosure 1 of GEH letter, 7491-318563-HAO-1 R2, "Requested Documents with Revised Marking of GEH Proprietary Information" dated December 4, 2014.

This document was included as Attachment 2 to the licensee's December 18, 2014, letter, which the licensee has requested to be withdrawn, but was not included with the licensee's April 15, 2015, letter. The licensee's April 15, 2015, letter, states that the GEH proprietary information "has been faithfully reproduced in the attached information [LSCS Design Analysis L-002453] such that the affidavit remains applicable." The information claimed to be proprietary with the April 15, 2015, letter is limited to the following portions of LSCS Design Analysis L-002453:

- Part of Section 6.1, "Decay Heat";
- Values in the "Decay Fraction," "+2% Uncertainty," "Rated Power (W_t)," and "Conversion ((Btu/hr)/W)" columns of Table 7.1, "CLTP [Currently Licensed Thermal Power] Decay Heat Load," and Table 7.2, "EPU [Extended Power Uprate] Decay Heat Load (4067 MWt)"; and
- Values and formulas in the "Decay Fraction," "+2% Uncertainty," "Rated Power (W_t)," "Conversion ((Btu/hr)/W)," and "Decay Heat (Btu/hr)" columns in the corresponding tables in Appendix C, "Excel Spreadsheet Formulas," used to create Tables 7.1 and 7.2 above.

The decay fraction values in Tables 7.1 and 7.2 of LSCS Design Analysis L-002453 are the same values which GEH claimed to be proprietary in Enclosure 1 of GEH letter, 7491-318563-HAO-1 R2. The NRC staff determined that the other information marked as proprietary in the version of LSCS Design Analysis L-002453 submitted on April 15, 2015, could be used to derive the decay fraction values, but this information was not included in Enclosure 1 of GEH letter, 7491-318563-HAO-1 R2.

The affidavit states that the marked information in this document should be considered proprietary and exempt from mandatory public disclosure for the following reasons:

- 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 other companies.
- 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.

Except for the decay fraction values, the information claimed to be proprietary has not consistently been treated as proprietary by the licensee. This information was identified as nonproprietary by the licensee in its February 20, 2014, letter to the NRC, which was made publicly available in ADAMS. Since the decay fraction values can easily be derived using this information, the NRC staff asked (RAI 8) the licensee to provide additional justification for withholding the decay fraction values from public disclosure. The licensee's January 23, 2015, response to RAI 8 did not provide any additional justification beyond the statements in the December 4, 2014, GEH affidavit, and the licensee again identified this information as nonproprietary. Like the February 14, 2014, affidavit, the December 4, 2014, GEH affidavit lacked specificity to address the staff's concerns identified in the RAI. The staff's February 18, 2015, email informed the licensee that many of the RAIs had not been adequately addressed and reiterated the concern regarding the derivation of decay fraction values from public information. Besides the new claim that this other information is proprietary, the licensee did not provide any additional justification for withholding the decay fraction values from public disclosure with its April 15, 2015, letter.

The licensee also has not consistently handled the decay heat values in Table 7.1 and 7.2 of LSCS Design Analysis L-002453. In the February 20, 2014, letter, the licensee marked the decay heat values as proprietary information. However, the licensee previously provided the decay heat values on September 17, 2012 (ADAMS Accession No. ML122690041), in LSCS Design Analysis L-002457, Revision 7. The NRC staff notes that the licensee has not claimed LSCS Design Analysis L-002457, Revision 7, to be proprietary and it is publicly available in ADAMS. Based on this, the staff asked (RAIs 5 and 6) the licensee to provide additional justification for withholding the decay heat values from public disclosure. In its January 23 and April 15, 2015, responses, the licensee indicated that the decay heat values are nonproprietary.

The NRC staff determined that from the headings alone, someone could readily determine the values for "+2% Uncertainty," "Rated Power (W_t)," and "Conversion ((Btu/hr)/W)." In addition, the staff determined that this type of information is not typically considered proprietary. The staff also determined that a knowledgeable individual would understand the relationship between the decay heat load, decay heat fraction, and rated thermal power. This relationship is also described in the nonproprietary portions of Section 6.1 to LSCS Design Analysis L-002453.

Based on this, the staff determined that the decay heat fraction can be determined using the nonproprietary and publicly available decay heat load values provided by the licensee without much difficulty.

Conclusion

The NRC staff has reviewed the licensee's April 15, 2015, request for withholding and all of the supporting information in accordance with the requirements of 10 CFR 2.390. Based on the above, the staff concludes that the licensee has not provided sufficient justification for the staff to determine that the information sought to be withheld from public disclosure contains trade secrets or proprietary information.

Accordingly, the NRC staff has concluded that the information sought to be withheld from public disclosure does not meet the requirements of 10 CFR 2.390. Therefore, the licensee's request to withhold LSCS Design Analysis L-002453, Revision 4, "UHS Heat Load Calculation," dated October 2, 2013, as provided on April 15, 2015, from public disclosure is denied.

Within 14 days from the date of this letter, the subject document will be made publicly available in ADAMS. If, within 14 days of the date of this letter, you request withdrawal of the documents in accordance with 10 CFR 2.390(c), your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure and returned to you.

The NRC staff is not making a determination regarding the information claimed to be proprietary as part of the February 20, 2014; December 18, 2014; and January 23, 2015, submittals, as these documents have been superseded by the April 15, 2015, submittal. In addition, the staff is not making a determination regarding any other information claimed to be proprietary in Enclosure 1 of GEH letter, 7491-318563-HAO-1 R2.

B. Hanson

- 5 -

If you have any questions regarding this matter, I may be reached at 301-415-1380.

Sincerely,

A handwritten signature in black ink, appearing to read 'BP', followed by a stylized flourish.

Blake Purnell, Project Manager
Plant Licensing III-2 and
Planning and Analysis Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-373 and 50-374

Enclosure:
Request for Additional Information

cc: Mr. James F. Harrison
Vice President, Fuel Licensing, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28402

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B. Hanson

- 5 -

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/RA/

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