

Proprietary Information – Withhold from Public Disclosure Under 10 CFR 2.390

RS-15-103

10 CFR 50.90

April 15, 2015

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

LaSalle County Station, Units 1 and 2
Facility Operating License Nos. NPF-11 and NPF-18
NRC Docket Nos. 50-373 and 50-374

Subject: Supplement Regarding Request to Withhold Information Related to the
License Amendment Request to Revise Ultimate Heat Sink Temperature Limits

- References:
- 1) Letter from D. M. Gullott (Exelon Generation Company, LLC) to U. S. Nuclear Regulatory Commission, "Request for a License Amendment to LaSalle County Station, Units 1 and 2, Technical Specification 3.7.3, 'Ultimate Heat Sink,'" dated July 12, 2012
 - 2) Letter from D. M. Gullott (Exelon Generation Company, LLC) to U. S. Nuclear Regulatory Commission, "Response to Request for Additional Information Related to License Amendment Request to Technical Specification 3.7.3, 'Ultimate Heat Sink (UHS),' " dated October 4, 2013
 - 3) Letter from D. M. Gullott (Exelon Generation Company, LLC) to U. S. Nuclear Regulatory Commission, "Supplement to Response to Request for Additional Information Related to License Amendment Request to Technical Specification 3.7.3, 'Ultimate Heat Sink (UHS),' " dated February 20, 2014
 - 4) Letter from D. M. Gullott (Exelon Generation Company, LLC) to U. S. Nuclear Regulatory Commission, "Response to Request for Additional Information Regarding Request to Withhold Information Related to the License Amendment Request to Revise Ultimate Heat Sink Temperature Limits," dated December 18, 2014
 - 5) Letter from D. M. Gullott (Exelon Generation Company, LLC) to U. S. Nuclear Regulatory Commission, "Additional Response to Request for Additional Information Regarding Request to Withhold Information Related to the License Amendment Request to Revise Ultimate Heat Sink Temperature Limits," dated January 23, 2015

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In Reference 1, Exelon Generation Company, LLC, (EGC) requested an amendment to the Technical Specifications (TS) of Facility Operating License Nos. NPF-11 and NPF-18 for LaSalle County Station (LSCS), Units 1 and 2. The proposed amendment would modify TS 3.7.3, "Ultimate Heat Sink (UHS)," by changing the maximum allowable temperature of the UHS from a fixed limit of 101.25 °F to allow the TS temperature limit of the cooling water supplied to the plant from the UHS to vary with the observed diurnal cycle. EGC supplemented Reference 1 with letters dated October 4, 2013; February 20, 2014; December 18, 2014; and January 23, 2015 (References 2, 3, 4, and 5), which provided information related to EGC Design Analysis L-002457, EGC Design Analysis L-002453, and the GE-Hitachi Nuclear Energy Americas LLC (GEH) request to withhold information from public disclosure.

After discussions with the NRC, EGC is withdrawing References 3, 4, and 5 in their entirety. This letter and its attachments supersede the information provided in References 2, 3, 4, and 5 related to EGC Design Analysis L-002457, EGC Design Analysis L-002453, and the GE-Hitachi Nuclear Energy Americas LLC (GEH) request to withhold information from public disclosure. EGC requests that the NRC continue its review of the license amendment request to revise UHS temperature limits.

Attachment 1 of this letter provides LSCS Design Analysis L-002453, Revision 4, which contains proprietary information as defined by 10 CFR 2.390, "Public inspections, exemptions, requests for withholding." GEH, as the owner of the proprietary information, executed the affidavit, which identifies that the enclosed proprietary information has been handled and classified as proprietary, is customarily held in confidence, and has been withheld from public disclosure. The proprietary information was provided to EGC in a GEH transmittal that is referenced by the affidavit. The proprietary information has been faithfully reproduced in the attached information such that the affidavit remains applicable. GEH hereby requests that the attached proprietary information be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390 and 10 CFR 9.17.

The affidavit supporting the proprietary nature of the information in Attachment 1 is provided in Attachment 2. A non-proprietary version of the information contained in Attachment 1 is provided in Attachment 3.

Attachment 4 of this letter provides LSCS Design Analysis L-002457, Revision 8. There is no GEH proprietary information contained in Attachment 4. The version of LSCS Design Analysis L-002457, Revision 8, provided in Attachment 4 supersedes all previous versions of L-002457, Revision 8, provided to the NRC in References 2, 3, and 5.

EGC has reviewed the information supporting a finding of no significant hazards consideration that was previously provided to the NRC in Attachment 2 of Reference 2. The additional information provided in this submittal does not affect the bases for concluding that the proposed license amendments do not involve a significant hazards consideration.

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In accordance with 10 CFR 50.91, "Notice for public comment; State consultation," paragraph (b), a copy of this letter and its attachments are being provided to the designated State of Illinois official.

There are no regulatory commitments contained in this submittal.

Should you have any questions concerning this letter, please contact Ms. Lisa A. Simpson at (630) 657-2815.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 15th day of April 2015.

Respectfully,

A handwritten signature in black ink, appearing to read 'D M Gullott', followed by a long horizontal line extending to the right.

David M. Gullott
Manager – Licensing
Exelon Generation Company, LLC

Attachments:

- 1) UHS Heat Load Calculation/LSCS Design Analysis L-002453, Revision 4 (Proprietary)
- 2) GEH Affidavit Supporting Proprietary Nature of Information in Attachment 1 (Non-Proprietary)
- 3) UHS Heat Load Calculation/LSCS Design Analysis L-002453, Revision 4 (Non-Proprietary)
- 4) UHS Calculation/LSCS Design Analysis L-002457, Revision 8 (Non-Proprietary)

cc: NRC Regional Administrator, Region III
NRC Senior Resident Inspector, LaSalle County Station
Illinois Emergency Management Agency – Division of Nuclear Safety

ATTACHMENT 2

**GEH Affidavit
Supporting Proprietary Nature of Information in
Attachment 1**

(Non-Proprietary)

3 pages follow

GE-Hitachi Nuclear Energy Americas LLC

AFFIDAVIT

I, **James F. Harrison**, state as follows:

- (1) I am the Vice President, Fuel Licensing, Regulatory Affairs, GE-Hitachi Nuclear Energy Americas LLC ("GEH"), and have been delegated the function of reviewing the information described in paragraph (2) which is sought to be withheld, and have been authorized to apply for its withholding.
- (2) The information sought to be withheld is contained in Enclosure 1 of GEH letter 7491-318563-HAO-1 R2, "Requested Documents with Revised Marking of GEH Proprietary Information," dated December 4, 2014. The GEH proprietary information in Enclosure 1, which is entitled "LaSalle Requested Documents," is identified by a dotted underline inside double square brackets. [[This sentence is an example.⁽³⁾]] Figures and large objects containing GEH proprietary information are identified with double square brackets before and after the object. In each case, the superscript notation ⁽³⁾ refers to Paragraph (3) of this affidavit, which provides the basis for the proprietary determination.
- (3) In making this application for withholding of proprietary information of which it is the owner or licensee, GEH relies upon the exemption from disclosure set forth in the *Freedom of Information Act* ("FOIA"), 5 U.S.C. Sec. 552(b)(4), and the *Trade Secrets Act*, 18 U.S.C. Sec. 1905, and NRC regulations 10 CFR 9.17(a)(4), and 2.390(a)(4) for trade secrets (Exemption 4). The material for which exemption from disclosure is here sought also qualifies under the narrower definition of trade secret, within the meanings assigned to those terms for purposes of FOIA Exemption 4 in, respectively, Critical Mass Energy Project v. Nuclear Regulatory Commission, 975 F.2d 871 (D.C. Cir. 1992), and Public Citizen Health Research Group v. FDA, 704 F.2d 1280 (D.C. Cir. 1983).
- (4) The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs (4)a. and (4)b. Some examples of categories of information that fit into the definition of proprietary information are:
 - 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;
 - c. Information that reveals aspects of past, present, or future GEH customer-funded development plans and programs, resulting in potential products to GEH;
 - d. Information that discloses trade secret or potentially patentable subject matter for which it may be desirable to obtain patent protection.

GE-Hitachi Nuclear Energy Americas LLC

- (5) To address 10 CFR 2.390(b)(4), the information sought to be withheld is being submitted to NRC in confidence. The information is of a sort customarily held in confidence by GEH, and is in fact so held. The information sought to be withheld has, to the best of my knowledge and belief, consistently been held in confidence by GEH, not been disclosed publicly, and not been made available in public sources. All disclosures to third parties, including any required transmittals to the NRC, have been made, or must be made, pursuant to regulatory provisions or proprietary or confidentiality agreements that provide for maintaining the information in confidence. The initial designation of this information as proprietary information, and the subsequent steps taken to prevent its unauthorized disclosure, are as set forth in the following paragraphs (6) and (7).
- (6) Initial approval of proprietary treatment of a document is made by the manager of the originating component, who is the person most likely to be acquainted with the value and sensitivity of the information in relation to industry knowledge, or who is the person most likely to be subject to the terms under which it was licensed to GEH.
- (7) The procedure for approval of external release of such a document typically requires review by the staff manager, project manager, principal scientist, or other equivalent authority for technical content, competitive effect, and determination of the accuracy of the proprietary designation. Disclosures outside GEH are limited to regulatory bodies, customers, and potential customers, and their agents, suppliers, and licensees, and others with a legitimate need for the information, and then only in accordance with appropriate regulatory provisions or proprietary or confidentiality agreements.
- (8) The information identified in paragraph (2), above, is classified as proprietary because it contains the detailed GEH methodology for decay heat, uprate, and energy data for the GEH Boiling Water Reactor (BWR). These methods, techniques, and data along with their application to the design were achieved at a significant cost to GEH.

The development of the evaluation processes along with the interpretation and application of the analytical results is derived from the extensive experience databases that constitute a major GEH asset.

- (9) Public disclosure of the information sought to be withheld is likely to cause substantial harm to GEH's competitive position and foreclose or reduce the availability of profit-making opportunities. The information is part of GEH's comprehensive BWR safety and technology base, and its commercial value extends beyond the original development cost. The value of the technology base goes beyond the extensive physical database and analytical methodology and includes development of the expertise to determine and apply the appropriate evaluation process. In addition, the technology base includes the value derived from providing analyses done with NRC-approved methods.

The research, development, engineering, analytical and NRC review costs comprise a substantial investment of time and money by GEH. The precise value of the expertise to devise an evaluation process and apply the correct analytical methodology is difficult to quantify, but it clearly is substantial. GEH's competitive advantage will be lost if its

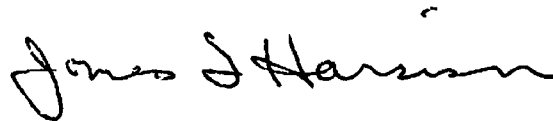
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competitors are able to use the results of the GEH experience to normalize or verify their own process or if they are able to claim an equivalent understanding by demonstrating that they can arrive at the same or similar conclusions.

The value of this information to GEH would be lost if the information were disclosed to the public. Making such information available to competitors without their having been required to undertake a similar expenditure of resources would unfairly provide competitors with a windfall, and deprive GEH of the opportunity to exercise its competitive advantage to seek an adequate return on its large investment in developing and obtaining these very valuable analytical tools.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4th day of December 2014.

A handwritten signature in black ink, appearing to read "James F. Harrison". The signature is fluid and cursive, with a large initial "J" and "H".

James F. Harrison
Vice President, Fuel Licensing, Regulatory Affairs
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