



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

October 3, 2019

Mr. Bryan C. Hanson
Senior Vice President
Exelon Generation Company, LLC
President and Chief Nuclear Officer (CNO)
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: BRAIDWOOD STATION, UNITS 1 AND 2; BYRON STATION, UNIT NOS. 1 AND 2; CALVERT CLIFFS NUCLEAR POWER PLANT, UNITS 1 AND 2; CLINTON POWER STATION, UNIT NO. 1; LASALLE COUNTY STATION, UNITS 1 AND 2; LIMERICK GENERATING STATION, UNITS 1 AND 2; NINE MILE POINT NUCLEAR STATION, UNIT 2; AND THREE MILE ISLAND NUCLEAR STATION, UNIT 1 – REQUEST FOR WITHHOLDING INFORMATION REGARDING PROPOSED ALTERNATIVE TO USE ASME CODE CASE N-879 (EPID L-2019-LLR-0037)

Dear Mr. Hanson:

By letter¹ to the U.S. Nuclear Regulatory Commission (NRC) dated April 30, 2019, Exelon Generation Company, LLC (Exelon) submitted a request for a proposed alternative to use the American Society of Mechanical Engineers Code Case N-879. The letter also requested that information contained in five of the enclosures be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390. Each of these enclosures was accompanied by a separate affidavit. The affidavits were all dated March 15, 2019, and executed by William H. Lennon, Chief Executive Officer of Lokring Technology, LLC (Lokring).

By letter dated July 19, 2019,² the NRC staff requested that Exelon provide supplemental information to support the request. Exelon provided a response to the NRC request by letter dated August 15, 2019,³ which included five proprietary attachments and five nonproprietary versions of these attachments. The proprietary attachments were the same as the corresponding enclosures to the April 30, 2019, letter, except the attachments included portion marking (square brackets) that corresponded to the information redacted from the nonproprietary attachments. Each proprietary attachment included a copy of the same affidavit previously provided. Exelon's letters, Lokring's affidavits, and the nonproprietary attachments have been made publicly available.

¹ Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML19122A014.

² ADAMS Accession No. ML19179A061.

³ ADAMS Accession No. ML19228A023.

Each affidavit stated that the submitted information in the proprietary enclosure constitutes proprietary trade secret information that should be withheld from public disclosure because:

1. This information is and has been held in confidence by Lokring.
2. This information is of a type that is held in confidence by Lokring and there is a rational basis for doing so because the information contains sensitive trade secret information concerning detailed design and testing details.
3. This information is being transmitted to the NRC in confidence.
4. This information is not available in public sources and could not be gathered readily from other publicly available information.
5. Public disclosure of this information would create substantial harm to the competitive position of Lokring by disclosing Lokring design and testing details to other parties whose commercial interests may be adverse to those of Lokring.

We have reviewed your request for withholding proprietary information and the material in accordance with the requirements of 10 CFR 2.390 and have concluded that you have not provided sufficient justification for us to determine that all the information sought to be withheld from public disclosure contains trade secrets or confidential or privileged commercial or financial information (i.e., proprietary information).

In the August 15, 2019, letter, Exelon indicated that Lokring requests that the five proprietary attachments be withheld from public disclosure. Exelon also provided nonproprietary versions of the five documents and did not request that the nonproprietary versions be withheld from public disclosure. Therefore, the information not redacted in the nonproprietary versions of these documents has been made public. Exelon did not provide new or revised affidavits with the August 15, 2019, letter, but rather it submitted the same affidavits, which did not specifically address the portion-marked information in the proprietary attachments.

A substantial amount of the portion-marked information was not redacted in other places in the nonproprietary versions of the documents, can be found on public Websites (e.g., Lokring's Website), or can be readily determined based on public information. The affidavits did not address how the portion-marked information differed from this public information. In addition, the affidavits did not adequately explain why release of the information claimed to be proprietary would cause substantial harm to the competitive position of Lokring given that identical or similar information was not redacted in the nonproprietary versions of the documents, can be found on public Websites, or can be readily determined based on public information.

The names, signatures, and position titles for several people were redacted from the nonproprietary versions of the documents included with the August 15, 2019, letter. This type of information is not typically considered to be proprietary under 10 CFR 2.390(b)(4), and the affidavits provided did not provide sufficient justification to explain why this information would be considered proprietary in the context of these documents.

The enclosure to this letter will be made publicly available after October 17, 2019. If, prior to the release of the enclosure to the public, you request the withdrawal of Lokring's documents in accordance with 10 CFR 2.390(c)(3), your request will be considered in light of applicable statutes and regulations, and a determination will be made regarding whether the documents

will be returned to you. The withdrawal of the documents may affect the NRC staff's review of the proposed alternative.

The remaining information marked as proprietary (i.e., the information redacted from the enclosure to this letter) 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 documents. 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 decides to make additional information public, you will be notified in advance of any public disclosure.

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

Sincerely,

/RA/

Blake Purnell, Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-456, STN 50-457,
STN 50-454, STN 50-455, 50-317,
50-318, 50-461, 50-373, 50-374,
50-352, 50-353, 50-220, 50-410,
and 50-289

Enclosure:
Lokring Technology, LLC References (Redacted)

cc: Mr. William H. Lennon
Sole Member and Chief Executive
Lokring Technology, LLC
38376 Apollo Parkway
Willoughby, OH 44094

Additional Distribution via Listserv (w/o enclosure)

ENCLOSURE

Lokring Technology, LLC References (Redacted)

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