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

December 4, 2014

Mr. Michael J. Pacilio
Senior Vice President
Exelon Generation Company, LLC
President and Chief Nuclear Officer (CNO)
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: LASALLE COUNTY STATION, UNITS 1 AND 2 – 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. Pacilio:

By application dated July 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12200A330), Exelon Generation Company, LLC (EGC) submitted a license amendment request (LAR) for LaSalle County Station, Units 1 and 2, to revise Technical Specification 3.7.3, "Ultimate Heat Sink [UHS]." EGC provided supplemental information to the U.S. Nuclear Regulatory Commission (NRC) for the LAR by letter dated February 20, 2014 (ADAMS Accession No. ML14066A250). This February 20, 2014, letter included an affidavit dated February 14, 2014, executed by Peter M. Yandow of GE-Hitachi Nuclear Energy Americas LLC (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.

The NRC staff is reviewing the request by GEH to withhold information from public disclosure and has determined that it needs additional information to complete its review. A response to the enclosed Request for Additional Information is requested by December 18, 2014. If it is determined that some of the information requested to be withheld can be made publicly available, please provide a revised public version.

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

Sincerely,

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. Peter M. Yandow
Vice President, Nuclear Plant Projects/Services
Licensing, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28402

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REQUEST FOR ADDITIONAL INFORMATION (RAI)

REGARDING REQUEST FOR WITHHOLDING INFORMATION

LASALLE COUNTY STATION, UNITS 1 AND 2

DOCKET NOS. 50-373 and 50-374

By application dated July 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12200A330), Exelon Generation Company, LLC (EGC) 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]." EGC provided supplemental information to the U.S. Nuclear Regulatory Commission (NRC) for the LAR by letter dated February 20, 2014 (ADAMS Accession No. ML14066A250). This letter included an affidavit dated February 14, 2014, executed by Peter M. Yandow of GE-Hitachi Nuclear Energy Americas LLC (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.

The NRC staff is reviewing the request by GEH to withhold information from public disclosure and has determined that it needs additional information to complete its review. If it is determined that some of the information requested to be withheld can be made publicly available, please provide a revised public version.

ATTACHMENT 1

The following questions are in reference to the GEH letters included in Attachment 1 to the February 20, 2014, letter.

RAI 1

GEH claims the entire attachment to its April 18, 2012, letter is proprietary. The reasons provided in the affidavit for considering the information to be proprietary to support this claim are insufficient. The NRC staff concerns regarding this claim include, but are not limited to, the following examples:

- The box header appears to contain general information, such as the report title, document date, and reference numbers, which would not typically be considered proprietary.
- Section 1.0 describes the purpose of this report, which would not typically be considered proprietary. The NRC staff notes that the April 18, 2012, letter provides more detailed information on the purpose of the report and is not considered proprietary by GEH.
- The information in the attachment appears to be of a similar type and in some cases identical to information provided in the September 4, 2001, GEH letter (also included in Attachment 1 to the February 20, 2014, EGC letter) which GEH does not claim is proprietary.

- Substantial portions appear to be general descriptions which would not typically be considered proprietary as they do not describe the methods with enough specificity to be used by a competitor.
- The attachment indicates that a standard method (reference 1 in the attachment) was used, which is endorsed by the NRC and available to the public. The use of standard methods is not typically considered to be proprietary.
- Section 2.2, for example, describes the use of a basic mathematical technique which would not typically be considered proprietary.

Provide a response to the following:

a. Explain how the examples above and other similar information is a type of information that is normally held in confidence by GEH.

b. Explain how release of the examples above and other similar information would cause substantial harm to GEH. The response should describe the value of the information to GEH, the amount of effort or money expended by GEH to develop the information, and the ease or difficulty with which the information could be acquired or duplicated by others.

RAI 2

The information claimed to be proprietary in the February 18, 1999, GEH letter appears to be publicly available information that is contained in the LSCS Updated Final Safety Analysis Report (UFSAR). The figure in the GEH letter appears to be identical to Figure 1.2-1 of older versions of the UFSAR (e.g., see ADAMS Accession No. ML081330049) which are publicly available. The table in the GEH letter appears to contain the same information as the figure or the same type of information.

Provide a response to the following:

a. Explain how this is a type of information that is normally held in confidence by GEH when it appears that this type of information is publicly available.

b. Explain how release of the information above would cause substantial harm to GEH. The response should describe the value of the information to GEH, the amount of effort or money expended by GEH to develop the information, and the ease or difficulty with which the information could be acquired or duplicated by others.

RAI 3

The information claimed to be proprietary in the June 22, 1999, GEH letter indicates that it is also in the LSCS UFSAR. The information appears to be the same type of information that is currently in Tables 6.2-3 and 6.2-4 of the UFSAR which is publicly available (e.g., see ADAMS Accession No. ML14113A090). The NRC staff notes that Table 7.5 of LSCS Design Analysis L-002453, Revision 4 (Attachment 4 to the February 20, 2014, letter), also contains the same information (although it appears to incorrectly reference the February 18, 1999, GEH letter) and is marked proprietary.

Provide a response to the following:

a. Explain how the information above is a type of information that is normally held in confidence by GEH when it appears that this type of information is publicly available.

b. Explain how release of the information above would cause substantial harm to GEH. The response should describe the value of the information to GEH, the amount of effort or money expended by GEH to develop the information, and the ease or difficulty with which the information could be acquired or duplicated by others.

RAI 4

The information contained in Section 4.1 of L-002453, Revision 4, was not claimed to be proprietary. However, this information appears to be similar to the type of information claimed to be proprietary by GEH in the letters contained in Attachment 1 to the February 20, 2014, letter.

Regarding Attachment 1, provide a response to the following:

a. Explain how the information above is a type of information that is normally held in confidence by GEH when it appears that this type of information is publicly available.

b. Explain how release of the information above would cause substantial harm to GEH. The response should describe the value of the information to GEH, the amount of effort or money expended by GEH to develop the information, and the ease or difficulty with which the information could be acquired or duplicated by others.

ATTACHMENTS 4 AND 6

The following questions are in reference to the EGC documents included in Attachments 4 and 6 of the February 20, 2014, letter.

RAI 5

LSCS Design Analysis L-002457, Revision 7, was provided by EGC by letter dated September 17, 2012, and is publicly available (ADAMS Accession No. ML122690041). Attachment 6 to the February 20, 2014, letter provides the proprietary version of LSCS Design Analysis L-002457, Revision 8. The February 20, 2014, letter states that this document incorporates the proprietary GEH references of Attachment 1. The NRC staff notes that the information marked as proprietary in Revision 8 is the same as the information that is publicly available in Revision 7.

Provide a response to the following:

a. Explain how the above information is held in confidence when it appears that this information is publicly available.

b. Explain how release of the information above would cause substantial harm to GEH. The response should describe the value of the information to GEH, the amount of effort

or money expended by GEH to develop the information, and the ease or difficulty with which the information could be acquired or duplicated by others.

RAI 6

Attachment 4 to the February 20, 2014, letter provides the proprietary version of LSCS Design Analysis L-002453, Revision 4. The letter states that this document incorporates the proprietary GEH references of Attachment 1. The NRC staff notes that some of the information marked as proprietary in L-002453, Revision 4, is the same as the information that is publicly available in L-002457, Revision 7. For example:

- Tables 7.6 and 7.7 of L-002453, Revision 4, are the same as Appendices L9.1 and L9.3, respectively, of L-002457, Revision 7.
- One column of Table 7.1 in L-002453, Revision 4, provides the same information as a column in Appendix L9.1 of L-002457, Revision 7.
- One column of Table 7.2 in L-002453, Revision 4, provides the same information as a column in Appendix L9.3 of L-002457, Revision 7.

Provide a response to the following:

a. Explain how the above information is held in confidence when it appears that this information is publicly available.

b. Explain how release of the information above would cause substantial harm to GEH. The response should describe the value of the information to GEH, the amount of effort or money expended by GEH to develop the information, and the ease or difficulty with which the information could be acquired or duplicated by others.

RAI 7

Attachment C to L-002453, Revision 4, contains the Excel spreadsheet formulas used to derive the information in Tables 7.1, 7.2, 7.7, and 7.6. Some of the information marked as proprietary in the Tables and Excel files can easily be derived from the information that is publicly available.

Explain how release of the information above would cause substantial harm to GEH. The response should describe the value of the information to GEH, the amount of effort or money expended by GEH to develop the information, and the ease or difficulty with which the information could be acquired or duplicated by others.

RAI 8

The information in Column D of the Excel files for Tables 7.1 and 7.2 of L-002453, Revision 4, can be derived from the information in Columns E, F, G, and H. The information in Columns E, F, and G is publicly available in L-002453, Revision 4. The information in Column H is publicly available in L-002457, Revision 7.

Explain how release of the information above would cause substantial harm to GEH. The response should describe the value of the information to GEH, the amount of effort or money

expended by GEH to develop the information, and the ease or difficulty with which the information could be acquired or duplicated by others.

RAI 9

The NRC staff notes that the sensible heat load is claimed to be proprietary in L-002453, Revision 4, and L-002457, Revision 8; however, it is publicly available in Attachment L to L-002457, Revision 7.

Provide a response to the following:

a. Explain how the above information has been held in confidence when it appears that some of the information is publicly available.

b. Explain how release of the information above would cause substantial harm to GEH. The response should describe the value of the information to GEH, the amount of effort or money expended by GEH to develop the information, and the ease or difficulty with which the information could be acquired or duplicated by others.

RAI 10

The information marked as proprietary in L-002453, Revision 4, and L-002457, Revision 8, is derived from the information marked as proprietary in Attachment 1 to the February 20, 2014, letter. Due to the large amount of information it is difficult to verify the connection between the derived information and the information claimed to be proprietary by GEH.

Provide a crosswalk between the information marked as proprietary in in L-002453, Revision 4, and L-002457, Revision 8, and the information marked as proprietary in Attachment 1 to the February 20, 2014, letter.

ALL ATTACHMENTS

The following questions are for all the documents included with the February 20, 2014, letter.

RAI 11

The February 20, 2014, letter contains a number of tables which GEH claims to be proprietary in their entirety. Titles, column headings, and row descriptors for tables are not typically considered proprietary.

Provide a response to the following:

a. Explain how the above titles, column headings, and row descriptors for tables are a type of information that is normally held in confidence by GEH.

b. Explain how release of the above titles, column headings, and row descriptors for tables would cause substantial harm to GEH. The response should describe the value of the information to GEH, the amount of effort or money expended by GEH to develop the

information, and the ease or difficulty with which the information could be acquired or duplicated by others.

RAI 12

The regulations in 10 CFR 2.390(b)(1)(iii) require that the affidavit accompanying the withholding request address with specificity the considerations listed in 10 CFR 2.390(b)(4), which include:

i. Whether the information has been held in confidence by its owner;
ii. Whether the information is of a type customarily held in confidence by its owner and whether there is a rational basis therefore;
iii. Whether the information was transmitted to and received by the NRC in confidence; and
iv. Whether the information is available in public sources.

The GEH affidavit states:

> 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.

As discussed in several of the RAIs above, the NRC staff has identified a significant amount of information which GEH claims to be proprietary that was previously made publicly available. Based on this, the GEH statement in the affidavit is insufficient for the staff to complete its review in accordance with 10 CFR 2.390(b)(4).

Provide a response to the following:

a. Identify information which was previously provided to the NRC that is claimed to be proprietary in the February 20, 2014, letter.

b. Identify information which was previously provided to the NRC that is of a similar type to the information claimed to be proprietary in the February 20, 2014, letter. Similar types of information would include analyses performed for LSCS using different parameters or similar analyses for other facilities.

The response to these questions should include the following:

- detailed reference for the submittal, including date, title, and ADAMS Accession Number,
- Identify if the information is public or nonpublic,
- indicate whether or not the information was claimed to be proprietary at the time of submittal,

- references to any NRC proprietary determination associated with the submittal,
- crosswalk between the previously provided information and the information claimed to be proprietary in the February 20, 2014, letter (e.g., specify page numbers, table numbers).

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

Sincerely,

/RA/

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. Peter M. Yandow
Vice President, Nuclear Plant Projects/Services
Licensing, Regulatory Affairs
GE-Hitachi Nuclear Energy Americas LLC
3901 Castle Hayne Road
Wilmington, NC 28402

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