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Proprietary Information – Withhold from Public Disclosure Under 10 CFR 2.390

RS-20-079

10 CFR 50.90

July 10, 2020

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

Byron Station, Units 1 and 2
Renewed Facility Operating License Nos. NPF-37 and NPF-66
NRC Docket Nos. STN 50-454 and STN 50-455

Subject: Application for Revision to TS 5.5.9, "Steam Generator (SG) Program," for a One-Time Deferral of Steam Generator Tube Inspections

In accordance with 10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit," Exelon Generation Company, LLC (EGC) requests an amendment to the Technical Specifications (TS) for Renewed Facility License Nos. NPF-37 and NPF-66 for Byron Station, Units 1 and 2 (Byron).

This proposed amendment request revises TS 5.5.9, "Steam Generator (SG) Program," for a one-time revision to the frequency for SG tube inspections. The requested TS amendments support deferral of the TS required inspections until the next Unit 2 refueling outage.

Circumstances are present in that the Centers for Disease Control and Prevention (CDC) and the State of Illinois have issued recommendations advising isolation activities (e.g., social distancing, group size limitations, self-quarantining, etc.) to prevent the spread of the COVID-19 virus. The nature of the SG inspections prevents compliance with the CDC and State of Illinois guidance for social distancing because workers must be in constant proximity to each other. Additionally, the hot and radiological environment in which the work is performed increases the likelihood of individuals contracting and adds to the potential rapid spread of the virus. These inspections require a specialty vendor that maintains unique and complex qualifications. Losing individuals with these qualifications due to a virus spread would cause a situation where the proper technical knowledge would not be available to satisfactorily complete this work (minimal 14-day isolation and likely to be more than one individual based on the close proximity for the work).

**Attachments 5, 8, and 10 contain Proprietary Information.
Withhold from Public Disclosure Under 10 CFR 2.390.
When separated from Attachments 5, 8, and 10, this document is decontrolled.**

As a result of the current pandemic situation, an Operational Assessment (OA) has been developed to justify deferral of the SG inspections until the next Unit 2 refueling outage (approximately 52 effective full power months from the last inspection). EGC has determined this deferral to involve less risk than performing the inspections under the current situation.

The attached request is subdivided as follows:

- Attachment 1 provides a description and assessment of the proposed change.
- Attachment 2 provides the existing TS page for Byron, marked up to show the proposed change.
- Attachment 3 provides the revised (i.e., clean, camera ready) TS pages for Byron. Although the proposed change only affects Byron Station, Unit 2, this submittal is being docketed for Byron Station, Units 1 and 2, since the TS are common to Units 1 and 2 for Byron.
- Attachment 4 provides an Affidavit for withholding signed by Intertek, the owner of the proprietary information provided in Attachment 5.
- Attachment 5 provides Intertek Report No. AIM 200510800-2Q-1(P), Revision 1, "Byron Unit 2 Operational Assessment Addressing Deferment of B2R22 Steam Generator Tube Examinations to B2R23, April 2022" (Proprietary), which addresses all existing and potential degradation mechanisms.
- Attachment 6 provides Intertek Report No. AIM 200510800-2Q-1(NP), "Byron Unit 2 Operational Assessment Addressing Deferment of B2R22 Steam Generator Tube Examinations to B2R23, April 2022," (Non-Proprietary).
- Attachment 7 provides the Affidavit for withholding signed by Westinghouse, the owner of the proprietary information provided in Attachment 8 and Attachment 10.
- Attachment 8 provides Westinghouse letter LTR-CECO-20-043-P, Revision 0, "Engineering Re-Evaluation of Byron Unit 2 Steam Generator C Waterbox Cap Plate and Potential Loose Parts in Support of Steam Generator Inspection Deferral for B2R22 (Fall 2020) Outage," June 2020 (Proprietary)
- Attachment 9 provides Westinghouse letter LTR-CECO-20-043-NP, Revision 0, "Engineering Re-Evaluation of Byron Unit 2 Steam Generator C Waterbox Cap Plate and Potential Loose Parts in Support of Steam Generator Inspection Deferral for B2R22 (Fall 2020) Outage," June 2020 (Non-Proprietary)

- Attachment 10 provides Westinghouse letter SG-SGMP-17-25-P, Revision 1, "Foreign Object Limits Analysis for the Byron Unit 2 and Braidwood Unit 2 Steam Generators," June 2020 (Proprietary)
- Attachment 11 provides Westinghouse letter SG-S GMP-17-25-NP, Revision 1, "Foreign Object Limits Analysis for the Byron Unit 2 and Braidwood Unit 2 Steam Generators," June 2020 (Non-Proprietary)

As Attachment 5 contains information proprietary to Intertek, it is supported by an Affidavit signed by Intertek, the owner of the information. The Affidavit sets forth the basis on which the information may be withheld from public disclosure by the Nuclear Regulatory Commission (NRC) and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR 2.390, "Public inspections, exemptions, requests for withholding." Accordingly, it is respectfully requested that the information that is proprietary to Intertek be withheld from public disclosure in accordance with 10 CFR 2.390.

Attachments 8 and 10 contain information proprietary to Westinghouse Electric Company LLC ("Westinghouse"), it is supported by an Affidavit signed by Westinghouse, the owner of the information. The Affidavit sets forth the basis on which the information may be withheld from public disclosure by the NRC and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR 2.390. Accordingly, it is respectfully requested that the information that is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR 2.390.

Correspondence with respect to the copyright or proprietary aspects of Attachments 8 and 10 or the supporting Westinghouse Affidavit should reference CAW-20-5056 and should be addressed to Zachary S. Harper, Manager, Licensing Engineering, Westinghouse Electric Company, 1000 Westinghouse Drive, Suite 165, Cranberry Township, Pennsylvania 16066.

The proposed change has been reviewed by Byron Plant Operations Review Committee in accordance with the requirements of the EGC Quality Assurance Program.

Approval of the proposed amendments is requested by September 15, 2020, which will support the Byron Unit 2 fall 2020 refueling outage (B2R22). The requested approval date is based on contractual obligations associated with minimizing vendor support for B2R22 scope. Once approved, the amendments shall be implemented within 5 days.

In accordance with 10 CFR 50.91, "Notice for public comment; State consultation," paragraph (b), EGC is notifying the State of Illinois of this application for license amendment by transmitting a copy of this submittal and its attachment to the designated State Officials.

This submittal contains no regulatory commitments. Should you have any questions concerning this submittal, please contact Ms. Lisa Simpson at (630) 657-2815.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 10th day of July 2020.

Respectfully,



Dwi Murray
Sr. Manager – Licensing
Exelon Generation Company, LLC

Attachments:

- 1) Description and Assessment
- 2) Proposed Technical Specifications Change (Mark-Up)
- 3) Revised Technical Specifications Pages (Clean)
- 4) Intertek Affidavit for AIM 200510800-2Q-1(P), Revision 1
- 5) Intertek Report No. AIM 200510800-2Q-1(P), Revision 1, "Byron Unit 2 Operational Assessment Addressing Deferment of B2R22 Steam Generator Tube Examinations to B2R23, April 2022," (PROPRIETARY)
- 6) Intertek Report No. AIM 200510800-2Q-1(NP), "Byron Unit 2 Operational Assessment Addressing Deferment of B2R22 Steam Generator Tube Examinations to B2R23, April 2022," (NON-PROPRIETARY)
- 7) Westinghouse CAW-20-5056, Revision 0, "Affidavit, (LTR-CECO-20-043-P & SG-SGMP-17-25-P)," June 2020
- 8) Westinghouse Letter LTR-CECO-20-043-P, Revision 0, "Engineering Re-Evaluation of Byron Unit 2 Steam Generator C Waterbox Cap Plate and Potential Loose Parts in Support of Steam Generator Inspection Deferral for B2R22 (Fall 2020) Outage," June 2020 (PROPRIETARY)
- 9) Westinghouse Letter LTR-CECO-20-043-NP, Revision 0, "Engineering Re-Evaluation of Byron Unit 2 Steam Generator C Waterbox Cap Plate and Potential Loose Parts in Support of Steam Generator Inspection Deferral for B2R22 (Fall 2020) Outage," June 2020 (NON-PROPRIETARY)
- 10) SG-SGMP-17-25-P, Revision 1, "Foreign Object Limits Analysis for the Byron Unit 2 and Braidwood Unit 2 Steam Generators," June 2020 (PROPRIETARY)
- 11) SG-SGMP-17-25-NP, Revision 1, "Foreign Object Limits Analysis for the Byron Unit 2 and Braidwood Unit 2 Steam Generators," June 2020 (NON-PROPRIETARY)

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

ATTACHMENT 4

Byron Station, Units 1 and 2

NRC Docket Nos. STN 50-454 and STN 50-455

Intertek Affidavit for AIM 200510800-2Q-1(P), Revision 1

AFFIDAVIT for AIM 200510800-2Q-1(P), Rev. 1

State of California, County of Santa Clara

- (1) I, Michael T. Cronin, have been specifically delegated and authorized to apply for withholding and execute this Affidavit on behalf of Intertek USA, Inc. dba Intertek AIM (Intertek).
- (2) I am requesting the proprietary portions of Intertek report AIM 200310800-2Q-1P, Rev. 1 be withheld from public disclosure under 10 CFR 2.390(a)(4), and for the following reasons to be considered pursuant to 10 CFR 2.390(b)(4).
- (3) In making this application for withholding of proprietary and confidential information, I have personal knowledge of the engineering practices and procedures utilized by Intertek, and the ability in designating specific information and data that are considered trade secrets, privileged, confidential, commercial, or financial information.
- (4) Pursuant to 10 CFR 2.390, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - a. The information sought to be withheld from public disclosure is owned and has been held in confidence by Intertek and is not customarily disclosed to the public.
 - b. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Intertek because it would enhance the ability of competitors to provide similar technical evaluation justifications and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.
 - c. The information sought to be withheld from public disclosure has been provided to Intertek under a license and/or non-disclosure agreement by a third party and may not be customarily disclosed unless the third party waives its rights to the information.
- (5) Intertek does not publicly release or disclose proprietary or confidential information in the course of business. Information is held in confidence if its release might result in the loss of an existing or potential competitive advantage, or discloses client proprietary information, as listed below:
 - a. The information reveals details of proprietary practices or procedures used by Intertek to include analytical methods or processes, where its disclosure to any of Intertek's competitors without license from Intertek will be harmful to Intertek's business.
 - b. It consists of supporting data, including test data, relative to an analytical procedure or process, the use of such would give Intertek's competitors an economic advantage.



AFFIDAVIT for AIM 200510800-2Q-1(P) Rev. 1

- c. It reveals procedures, methods, or data which are proprietary to a third party, for which Intertek is obligated to protect.
 - d. Its use by a competitor would reduce that competitor's expenditure of resources or improve that competitor's competitive position.
 - e. It contains patentable methods for which patent protection may be desirable.
 - f. It reveals cost or price information, production capacities, budget levels, or commercial strategies of Intertek, its customers, or its suppliers.
 - g. It reveals aspects of past, present, or future Intertek or customer funded development plans and programs of potential commercial value to Intertek.
- (6) The attached documents are bracketed and marked to indicate the bases for withholding. The justification for withholding is indicated by means of lower case letters (a) through (g) located in the upper left corner within the bracketed area enclosing each item of information being identified as proprietary. These lower-case letters refer to the types of information Intertek customarily holds in confidence identified in Sections (5)(a) through (g) of this Affidavit.

I declare that the averments of fact set forth in this Affidavit are true and correct to the best of my knowledge, information, and belief.

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

Executed on: 25 JUNE 2020



Michael T. Cronin
Director of Engineering

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Santa Clara

Subscribed and sworn to (or affirmed) before me on this 25th
day of June, 2020, by Michael T. Cronin

proved to me on the basis of satisfactory evidence to be the
person who appeared before me.



(Seal)

Signature Michelle Ring

Clear Form

Print Form

ATTACHMENT 7

Byron Station, Units 1 and 2

NRC Docket Nos. STN 50-454 and STN 50-455

**Westinghouse CAW-20-5056, Revision 0,
"Affidavit, (LTR-CECO-20-043-P & SG-SGMP-17-25-P),"
June 2020**

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF BUTLER:

- (1) I, Zachary S. Harper, have been specifically delegated and authorized to apply for withholding and execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse).
- (2) I am requesting the proprietary portions of LTR-CECO-20-043-P, Revision 0, "Engineering Re-evaluation of Byron Unit 2 Steam Generator C Waterbox Cap Plates and Potential Loose Parts in Support of Steam Generator Inspection Deferral for B2R22 (Fall 2020) Outage," and SG-SGMP-17-25-P, Revision 1, "Foreign Object Limits Analysis for the Byron Unit 2 and Braidwood Unit 2 Steam Generators," be withheld from public disclosure under 10 CFR 2.390.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged, or as confidential commercial or financial information.
- (4) Pursuant to 10 CFR 2.390, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse and is not customarily disclosed to the public.
 - (ii) Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar technical evaluation justifications and licensing defense services for commercial power reactors without commensurate expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

AFFIDAVIT

- (5) Westinghouse has policies in place to identify proprietary information. Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:
- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
 - (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage (e.g., by optimization or improved marketability).
 - (c) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
 - (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
 - (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
 - (f) It contains patentable ideas, for which patent protection may be desirable.
- (6) The attached documents are bracketed and marked to indicate the bases for withholding. The justification for withholding is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters

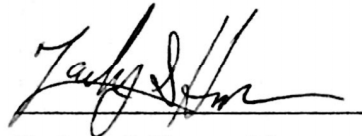
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refer to the types of information Westinghouse customarily holds in confidence identified in Sections (5)(a) through (f) of this Affidavit.

I declare that the averments of fact set forth in this Affidavit are true and correct to the best of my knowledge, information, and belief.

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

Executed on: 6/23/2020



Zachary S. Harper, Manager
Licensing Engineering