



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

February 3, 2023

Mr. David P. Rhoades  
Senior Vice President  
Constellation Energy Generation, LLC  
President and Chief Nuclear Officer  
Constellation Nuclear  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
FOR LASALLE COUNTY STATION, UNIT NOS. 1 AND 2  
(EPID L-2022-LLA-0173)

Dear Mr. Rhoades:

By letter dated November 10, 2022, you submitted affidavits dated October 13, 2022, executed by Kathleen A. Jones, TransWare Enterprises Inc. (TWE), and you requested that the information contained in the following document be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

LAS-FLU-001-R-009, Revision 0, "LaSalle County Generating Station Unit 1 Fluence Methodology Report - Licensing Report," October 2021.

LAS-FLU-001-R-009, Attachment 1 Revision 0, "Qualification of the LaSalle Unit 1 Reactor Fluence Model - Cycles 1 to 18," October 2021.

LAS-FLU-001-R-007, Revision 0, "LaSalle County Generating Station Unit 2 Fluence Methodology Report - Licensing Report," August 2021.

LAS-FLU-001-R-007, Attachment 1 Revision 0, "Qualification of the LaSalle Unit 2 Reactor Fluence Model - Cycles 1 to 18," August 2021.

The letter dated November 10, 2022, also submitted an affidavit dated October 25, 2022, executed by Steve Swilley, Electric Power Research Institute, Inc. (EPRI), and requested that the information contained in the following document be withheld from public disclosure pursuant to 10 CFR 2.390:

BWRVIP-135, Revision 4: "BWR Vessel Internals Project Integrated Surveillance Program (ISP) Data Source Book and Plant Evaluations"

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in the Agencywide Documents Access and Management System (ADAMS).

The affidavits submitted by TWE stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

4. 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 TWE's competitors without license from TWE constitutes a competitive economic advantage over other companies;
  - b. Information which, if used by a competitor, could reduce the competitor's expenditure of resources or improve competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product;
  - c. Information that reveals cost or price information, production capacities, budget levels, or commercial strategies of TWE, its customers, or its suppliers;
  - d. Information which reveals aspects of past, present, or future TWE customer-funded development plans and programs of potential commercial value to TWE;
  - e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The information sought to be withheld is considered to be proprietary for the reasons set forth in paragraphs 4a. and 4b., above.

The affidavit submitted by EPRI stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

c. EPRI's classification of the Proprietary Information as trade secrets is justified by the Uniform Trade Secrets Act, which California adopted in 1984 and a version of which has been adopted by over forty states. The California Uniform Trade Secrets Act, California Civil Code §§3426 - 3426.11, defines a "trade secret" as follows:

"Trade secret" means information, including a formula, pattern, compilation, program device, method, technique, or process, that:

- (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
- 2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information marked as proprietary 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 U.S. Nuclear Regulatory Commission (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 makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions, please contact me at 301-415-3733 or via e-mail at [Robert.Kuntz@nrc.gov](mailto:Robert.Kuntz@nrc.gov).

Sincerely,

*/RA/*

Robert F. Kuntz, Senior Project Manager  
Plant Licensing Branch III  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-373 and 50-374

cc: Listserv

Kathleen A. Jones  
Chief Operating Officer  
Transware Enterprises Inc.  
1565 Mediterranean Drive, Suite A  
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Steve Swilley  
Vice President and Deputy Chief  
Nuclear Officer  
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SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR LASALLE COUNTY STATION, UNIT NOS. 1 AND 2 (EPID L-2022-LLA-0173) DATED FEBRUARY 3, 2023

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**ADAMS Accession No. ML23024A137**

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NAME	RKuntz	SRohrer	DWoodyatt
DATE	1/24/2023	1 / 24 /2023	2/2/2023
OFFICE	NRR/DNRL/NVIB/BC (A)	NRR/DORL/LPL3/BC	NRR/DORL/LPL3/PM
NAME	DWidrevitz	NSalgado (JWiebe for)	RKuntz
DATE	1/31/2023	2/3/2023	2/3/2023

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