Florida Power & Light Company, 6501 S. Ocean Drive, Jensen Beach, FL 34957

~~Proprietary Information – Withhold From Public Disclosure Under 10 CFR 2.390~~

FPL

August 25, 2011

L-2011-346
10 CFR 50.90

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

Re: St. Lucie Plant Unit 2
Docket No. 50-389
Renewed Facility Operating License No. NPF-16

Response to NRC Instrumentation & Controls Branch Request for Additional Information Regarding Extended Power Uprate License Amendment Request

References:

(1) R. L. Anderson (FPL) to U.S. Nuclear Regulatory Commission (L-2011-021), "License Amendment Request for Extended Power Uprate," February 25, 2011, Accession No. ML110730116.
(2) Email from T. Orf (NRC) to C. Wasik (FPL), "St. Lucie 2 EPU draft RAIs - Instrumentation & Control (EICB)," July 26, 2011.

By letter L-2011-021 dated February 25, 2011 [Reference 1], Florida Power & Light Company (FPL) requested to amend Renewed Facility Operating License No. NPF-16 and revise the St. Lucie Unit 2 Technical Specifications (TS). The proposed amendment will increase the unit's licensed core thermal power level from 2700 megawatts thermal (MWt) to 3020 MWt and revise the Renewed Facility Operating License and TS to support operation at this increased core thermal power level. This represents an approximate increase of 11.85% and is therefore considered an extended power uprate (EPU).

By email from the NRC Project Manager dated July 26, 2011 [Reference 2], additional information related to the proposed instrumentation & controls setpoint methodology was requested by the NRC staff in the Instrumentation & Controls Branch (EICB) to support their review of the EPU LAR. The request for additional information (RAI) identified four questions (EICB-1 through EICB-4).

ADD1
NRR

During the review of the St. Lucie Unit 1 EPU LAR, NRC staff requested changes related to new footnotes proposed for TS Table 2.2-1, Reactor Protective Instrumentation Trip Setpoint Limits. As a result of this St. Lucie Unit 1 request, FPL proposes herein to revise the St. Lucie Unit 2 TS in a similar manner. Attachment 1 contains a revision to the EPU LAR proposed change to TS Table 2.2-1. The revision revises and relocates the proposed new footnotes from TS Table 2.2-1 to TS Table 4.3-1. Attachment 2 contains the marked-up and clean pages to support the proposed TS revision.

RAI EICB-1 of Reference 2 requests a copy of the steam generator level low setpoint calculation. Attachment 3 provides a copy of the requested calculation; Westinghouse Electric Company, LLC (Westinghouse) calculation CN-TAS-09-5, Revision 1, "Setpoint Uncertainties and Operability Limits for the Steam Generator Level RPS and AFAS Functions for St. Lucie Unit 2." This calculation contains information proprietary to Westinghouse. The submittal of this calculation provides FPL's response to EICB-1. Responses to the remaining RAIs (EICB-2 through EICB-4) will be provided in a future correspondence.

Attachment 4 contains a copy of the Proprietary Information Affidavits. The purpose of this attachment is to withhold the proprietary information contained in the setpoint methodology calculation (Attachment 3) from public disclosure. The Affidavit signed by Westinghouse as the owner of the information sets forth the basis for which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of § 2.390 of the Commission's regulations. Accordingly, it is respectfully requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR 2.390.

In accordance with 10 CFR 50.91(b)(1), a copy of this letter is being forwarded to the designated State of Florida official.

This submittal does not alter the significant hazards consideration or environmental assessment previously submitted by FPL letter L-2010-259 [Reference 1].

This submittal contains no new commitments and no revisions to existing commitments.

Should you have any questions regarding this submittal, please contact Mr. Christopher Wasik, St. Lucie Extended Power Uprate LAR Project Manager, at 772-429-7138.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August 25, 2011

Very truly yours,

FOR RLA

Richard L. Anderson
Site Vice President
St. Lucie Plant

Attachments (4)

cc: Mr. William Passetti, Florida Department of Health

Attachment 1
Technical Specifications Table 2.2-1
Revision To Proposed Change Submitted By FPL Letter L-2011-021
Regarding Extended Power Uprate License Amendment Request

Description of the Change

EPU LAR Attachment 1, Section 3.1, Renewed Facility Operating License and Technical Specification Changes, Item 7. TS 2.2 LIMITING SAFETY SYSTEM SETTINGS – TABLE 2.2-1 – REACTOR PROTECTIVE INSTRUMENTATION TRIP SETPOINTS LIMITS proposed the addition of two footnotes to describe actions associated with Functional Unit 8 - Steam Generator Level – Low.

Upon further review, FPL is proposing that the two footnotes be added to TS Table 4.3-1, Reactor Protective Instrumentation Surveillance Requirements. The footnotes would not be included on Table 2.2-1, Reactor Protective Instrumentation Trip Setpoint Limits. In addition to relocating the footnotes, FPL will renumber the footnotes as is appropriate and is proposing to modify the second footnote (Note 7) as described below.

The proposed Technical Specification (TS) Table 2.2-1 is modified as follows:

- FUNCTIONAL UNIT 8, Steam Generator Level – Low – the notes (6,7) are deleted, and
- Notes associated with footnotes (6) and (7) are deleted.
- The remaining changes proposed in the EPU LAR to TS Table 2.2-1 are still applicable.

The addition of the footnotes to Table 4.3-1 will consist of the following changes:

- FUNCTIONAL UNIT 8, Steam Generator Level – Low, CHANNEL FUNCTIONAL TEST will be changed from M to M(8, 9), and
- Table 4.3-1 TABLE NOTATION – New Notes 8 and 9 are added as stated below:

  (8) If the as-found channel setpoint is either outside its predefined as-found acceptance criteria band or is not conservative with respect to the Allowable Value, then the channel shall be declared inoperable and shall be evaluated to verify that it is functioning as required before returning the channel to service.

  (9) The instrument channel setpoint shall be reset to a value that is within the as-left tolerance of the Field Trip Setpoint, otherwise that channel shall not be returned to OPERABLE status. The Field Trip Setpoint and the methodology used to determine the Field Trip Setpoint, the as-found acceptance criteria band, and the as-left acceptance criteria are specified in UFSAR Section 7.2.

  Note that Note 9 (previously Note 7) has been modified to change "Trip Setpoint" to "Field Trip Setpoint," to delete the phrase, "or is not conservative with respect to the Allowable Value," and to state the specific UFSAR section.

Basis for the change:

As discussed in the EPU LAR Attachment 1, the revised setpoint for the reactor protective instrumentation trip on low SG level was determined using the methodology described in RIS 2006-17, NRC Staff Position on the Requirements of 10 CFR 50.36, "Technical Specifications," Regarding Limiting Safety System Settings During Periodic Testing and Calibration of Instrument Channels. To implement this methodology, an Allowable Value was established for the setpoint, and required actions were added to the TS should the setpoint be outside the Allowable Value limits.

During a July 21, 2011 audit of the St. Lucie Unit 1 reactor protective system (RPS) steam generator level setpoint calculation at the Westinghouse Electric Company, LLC. office in Rockville, MD, the NRC staff provided specific input associated with the footnotes required for this proposed TS change. The input provided is applicable to the EPU LARs for St. Lucie Units 1 and 2. Two new footnotes are added to TS Table 4.3-1 for Functional Unit 8, Steam Generator Level - Low. These footnotes are consistent with the two recommended notes provided in NRC letter to the Nuclear Energy Institute (NEI) Technical Setpoint Methods Task Force for Setpoint Allowables, September 7 2005, Accession No. ML052500004.

The Field Trip Setpoint and the methodology used to determine the Field Trip Setpoint, the as-found acceptance criteria band, and the as-left acceptance criteria are specified in UFSAR Section 7.2.

Marked up and retyped pages for the revised TS change Tables 2.2-1 and 4.3-1 are provided in Attachment 2.

No Significant Hazards Consideration

This change is an administrative change to the proposed TS change provided in the EPU LAR. The change ensures that the footnotes are located in the appropriate TS Table. The relocation of the footnotes from Table 2.2-1 to 4.3-1 does not affect the conclusions of the no significant hazards consideration. As such, the conclusions of EPU LAR Attachment 1 Section 5.2, No Significant Hazards Consideration, Item C. Steam Generator Level Limiting Safety System Setting remain valid. Accordingly, the proposed change 1) does not involve a significant increase in the propbability or consequences of an accident previously evaluated, 2) does not create the possibility of a new or different kind of accident from any previously evaluated, and 3) does not result in a significant reduction in a margin of safety.

Environmental Evaluation

This change is an administrative change to the proposed TS change provided in the EPU LAR. The environmental considerations evaluation contained in EPU LAR remain valid. Accordingly, the proposed license amendment is eligible for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 50.22(b), no environmental impact statement or environmental assessment is needed in connection with the approval of the proposed license amendment.

ATTACHMENT 2

Marked Up and Clean Pages for Technical Specifications Table 2.2-1 Revision To Proposed Change Submitted By FPL Letter L-2011-021 Regarding Extended Power Uprate License Amendment Request

This coversheet plus seven pages.

TABLE 2.2-1

REACTOR PROTECTIVE INSTRUMENTATION TRIP SETPOINT LIMITS

FUNCTIONAL UNIT	TRIP SETPOINT	ALLOWABLE VALUES
1. Manual Reactor Trip	Not Applicable	Not Applicable
2. Variable Power Level – High[1]		
Four Reactor Coolant Pumps Operating	≤ 9.61% above THERMAL POWER, with a minimum setpoint of 15% of RATED THERMAL POWER, and a maximum of ≤ 107.0% of RATED THERMAL POWER.	≤ 9.61% above THERMAL POWER, and a minimum setpoint of 15% of RATED THERMAL POWER and a maximum of ≤ 107.0% of RATED THERMAL POWER.
3. Pressurizer Pressure – High	≤ 2370 psia	≤ 2374 psia
4. Thermal Margin/Low Pressure[1]		
Four Reactor Coolant Pumps Operating	Trip setpoint adjusted to not exceed the limit lines of Figures 2.2-3 and 2.2-4. Minimum value of 1900 psia.	Trip setpoint adjusted to not exceed the limit lines of Figures 2.2-3 and 2.2-4. Minimum value of 1900 psia.
5. Containment Pressure – High	≤ 3.0 psig	≤ 3.1 psig
6. Steam Generator Pressure – Low	≥ 626.0 ~~psia (2)~~ psia[2]	≥ 621.0 ~~psia (2)~~
7. Steam Generator Pressure Difference – High (Logic in TM/LP Trip Unit)	≤ 120.0 psid	≤ 132.0 psid
8. Steam Generator Level – ~~Low~~	≥ ~~20.5% (3)~~ 35.0%[3]	≥ ~~19.5% (3)~~ 34.1%[3]

TABLE 2.2-1 (Continued)

REACTOR PROTECTIVE INSTRUMENTATION TRIP SETPOINT LIMITS

TABLE NOTATION

(1) Trip may be manually bypassed below 0.5% of RATED THERMAL POWER during testing pursuant to Special Test Exception 3.10.3; bypass shall be automatically removed when Wide Range Logarithmic Neutron Flux power is greater than or equal to 0.5% of RATED THERMAL POWER.

(2) Trip may be manually bypassed below 705 psig; bypass shall be automatically removed at or above 705 psig.

(3) % of the narrow range steam generator level indication.

(4) Trip may be bypassed below 10^{-4}% and above 15% of RATED THERMAL POWER; bypass shall be automatically removed when Wide Range Logarithmic Neutron Flux power is $\geq 10^{-4}$% and Power Range Neutron Flux power $\leq$ 15% of RATED THERMAL POWER.

(5) Trip may be bypassed below 15% of RATED THERMAL POWER; bypass shall be automatically removed when Power Range Neutron Flux power is greater than or equal to 15% of RATED THERMAL POWER.

(6) If the as-found channel setpoint is either outside its predefined as-found acceptance criteria band or is not conservative with respect to the Allowable Value, then the channel shall be declared inoperable and shall be evaluated to verify that it is functioning as required before returning the channel to service.

(7) The instrument channel setpoint shall be reset to a value that is within the as-left tolerance of the Trip Setpoint or a value that is more conservative than the Trip Setpoint, otherwise that channel shall not be returned to OPERABLE status. The Trip Setpoint and the methodology used to determine the Trip Setpoint, the as-found acceptance criteria band, and the as-left acceptance criteria are specified in the UFSAR.

TABLE 4.3-1

REACTOR PROTECTIVE INSTRUMENTATION SURVEILLANCE REQUIREMENTS

	FUNCTIONAL UNIT	CHANNEL CHECK	CHANNEL CALIBRATION	CHANNEL FUNCTIONAL TEST	MODES FOR WHICH SURVEILLANCE IS REQUIRED
1.	Manual Reactor Trip	N/A	N.A.	S/U(1)	1, 2, 3*, 4*, 5*
2.	Variable Power Level – High				
	a. Nuclear Power	S	D(2), M(3), Q(4)	M	1,2
	b. ΔT Power	S	D(5), Q(4)		1
3.	Pressurizer Pressure – High	S	R	M	1, 2
4.	Thermal Margin/Low Pressure	S	R	M	1, 2
5.	Containment Pressure – High	S	R	M	1, 2
6.	Steam Generator Pressure – Low	S	R	M	1, 2
7.	Steam Generator Pressure Difference – High	S	R	M	1, 2
8.	Steam Generator Level – Low	S	R	M	1, 2
9.	Local Power Density – High	S	R	M	1
10.	Loss of Component Cooling Water to Reactor Coolant Pumps	N.A.	N.A.	M	N.A.
11.	Reactor Protection System Logic	N.A.	N.A.	M(7)	1, 2, 3*, 4*, 5*

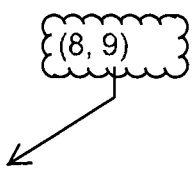

TABLE 4.3-1 (Continued)

TABLE NOTATION

* - Only if the reactor trip breakers are in the closed position and the CEA drive system is capable of CEA withdrawal.

(1) - Each startup or when required with the reactor trip breakers closed and the CEA drive system capable of rod withdrawal, if not performed in the previous 7 days.

(2) - Heat balance only (CHANNEL FUNCTIONAL TEST not included), above 15% of RATED THERMAL POWER; adjust "Nuclear Power Calibrate" potentiometer to null "Nuclear Power – ΔT Power". During PHYSICS TESTS, these daily calibrations may be suspended provided these calibrations are performed upon reaching each major test power plateau and prior to proceeding to the next major test power plateau.

(3) - Above 15% of RATED THERMAL POWER, recalibrate the excore detectors which monitor the AXIAL SHAPE INDEX by using the incore detectors or restrict THERMAL POWER during subsequent operations to $\leq$ 90% of the maximum allowed THERMAL POWER level with the existing reactor coolant pump combination.

(4) - Neutron detectors may be excluded from CHANNEL CALIBRATION.

(5) - Adjust "ΔT Pwr Calibrate" potentiometers to make ΔT power signals agree with calorimetric calculation.

(6) - At least once per 18 months and following maintenance or adjustment of the reactor trip breakers, the CHANNEL FUNCTIONAL TEST shall include verification of the independent OPERABILITY of the undervoltage and shunt trips.

(7) - The fuse circuitry in the matrix fault protection circuitry shall be determined to be OPERABLE by testing with the installed test circuitry.

(8) - If the as-found channel setpoint is either outside its predefined as-found acceptance criteria band or is not conservative with respect to the Allowable Value, then the channel shall be declared inoperable and shall be evaluated to verify that it is functioning as required before returning the channel to service.

(9) - The instrument channel setpoint shall be reset to a value that is within the as-left tolerance of the Field Trip Setpoint, otherwise that channel shall not be returned to OPERABLE status. The Field Trip Setpoint and the methodology used to determine the Field Trip Setpoint, the as-found acceptance criteria band, and the as-left acceptance criteria are specified in UFSAR Section 7.2.

TABLE 2.2-1

REACTOR PROTECTIVE INSTRUMENTATION TRIP SETPOINT LIMITS

FUNCTIONAL UNIT	TRIP SETPOINT	ALLOWABLE VALUES
1. Manual Reactor Trip	Not Applicable	Not Applicable
2. Variable Power Level – High[(1)]		
Four Reactor Coolant Pumps Operating	≤ 9.61% above THERMAL POWER, with a minimum setpoint of 15% of RATED THERMAL POWER, and a maximum of ≤ 107.0% of RATED THERMAL POWER.	≤ 9.61% above THERMAL POWER, and a minimum setpoint of 15% of RATED THERMAL POWER and a maximum of ≤ 107.0% of RATED THERMAL POWER.
3. Pressurizer Pressure – High	≤ 2370 psia	≤ 2374 psia
4. Thermal Margin/Low Pressure[(1)]		
Four Reactor Coolant Pumps Operating	Trip setpoint adjusted to not exceed the limit lines of Figures 2.2-3 and 2.2-4. Minimum value of 1900 psia.	Trip setpoint adjusted to not exceed the limit lines of Figures 2.2-3 and 2.2-4. Minimum value of 1900 psia.
5. Containment Pressure – High	≤ 3.0 psig	≤ 3.1 psig
6. Steam Generator Pressure – Low	≥ 626.0 psia[(2)]	≥ 621.0 psia[(2)]
7. Steam Generator Pressure[(1)] Difference – High (Logic in TM/LP Trip Unit)	≤ 120.0 psid	≤ 132.0 psid
8. Steam Generator Level – Low	≥ 35.0%[(3)]	≥ 34.1%[(3)]

TABLE 4.3-1

REACTOR PROTECTIVE INSTRUMENTATION SURVEILLANCE REQUIREMENTS

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2.	Variable Power Level – High				
	a. Nuclear Power	S	D(2), M(3), Q(4)	M	1,2
	b. ΔT Power	S	D(5),	Q(4)	1
3.	Pressurizer Pressure – High	S	R	M	1, 2
4.	Thermal Margin/Low Pressure	S	R	M	1, 2
5.	Containment Pressure – High	S	R	M	1, 2
6.	Steam Generator Pressure – Low	S	R	M	1, 2
7.	Steam Generator Pressure Difference – High	S	R	M	1, 2
8.	Steam Generator Level – Low	S	R	M(8, 9)	1, 2
9.	Local Power Density – High	S	R	M	1
10.	Loss of Component Cooling Water to Reactor Coolant Pumps	N.A.	N.A.	M	N.A.
11.	Reactor Protection System Logic	N.A.	N.A.	M(7)	1, 2, 3*, 4*, 5*

TABLE 4.3-1 (Continued)

TABLE NOTATION

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(1) - Each startup or when required with the reactor trip breakers closed and the CEA drive system capable of rod withdrawal, if not performed in the previous 7 days.

(2) - Heat balance only (CHANNEL FUNCTIONAL TEST not included), above 15% of RATED THERMAL POWER; adjust "Nuclear Power Calibrate" potentiometer to null "Nuclear Power – ΔT Power". During PHYSICS TESTS, these daily calibrations may be suspended provided these calibrations are performed upon reaching each major test power plateau and prior to proceeding to the next major test power plateau.

(3) - Above 15% of RATED THERMAL POWER, recalibrate the excore detectors which monitor the AXIAL SHAPE INDEX by using the incore detectors or restrict THERMAL POWER during subsequent operations to $\leq$ 90% of the maximum allowed THERMAL POWER level with the existing reactor coolant pump combination.

(4) - Neutron detectors may be excluded from CHANNEL CALIBRATION.

(5) - Adjust "ΔT Pwr Calibrate" potentiometers to make ΔT power signals agree with calorimetric calculation.

(6) - At least once per 18 months and following maintenance or adjustment of the reactor trip breakers, the CHANNEL FUNCTIONAL TEST shall include verification of the independent OPERABILITY of the undervoltage and shunt trips.

(7) - The fuse circuitry in the matrix fault protection circuitry shall be determined to be OPERABLE by testing with the installed test circuitry.

(8) - If the as-found channel setpoint is either outside its predefined as-found acceptance criteria band or is not conservative with respect to the Allowable Value, then the channel shall be declared inoperable and shall be evaluated to verify that it is functioning as required before returning the channel to service.

(9) - The instrument channel setpoint shall be reset to a value that is within the as-left tolerance of the Field Trip Setpoint, otherwise that channel shall not be returned to OPERABLE status. The Field Trip Setpoint and the methodology used to determine the Field Trip Setpoint, the as-found acceptance criteria band, and the as-left acceptance criteria are specified in UFSAR Section 7.2.

ATTACHMENT 4

Supplemental Response to NRC Instrument & Controls Branch Request for Additional Information Regarding Extended Power Uprate License Amendment Request

Westinghouse Electric Company, LLC
Application for Withholding
Proprietary Information
from Public Disclsoure

This coversheet plus 6 pages.

CAW-11-3227

AFFIDAVIT

STATE OF CONNECTICUT:

ss WINDSOR LOCKS

COUNTY OF HARTFORD:

Before me, the undersigned authority, personally appeared C. M. Molnar, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:

C. M. Molnar, Senior Engineer
Regulatory Compliance

Sworn to and subscribed before me
this 3rd day of AUGUST 2011

Notary Public

Subscribed and Sworn before me, a Notary Public, in and for County of Hartford and State of Connecticut. this 3rd day of AUGUST 2011

JOAN GRAY
Notary Public
My Commission Expires January 31, 2012

(1) I am Senior Engineer, Regulatory Compliance, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.

(2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse Application for Withholding Proprietary Information from Public Disclosure accompanying this Affidavit.

(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 the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, 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.

(ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

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.

There are sound policy reasons behind the Westinghouse system which include the following:

(a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.

(b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.

(c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.

(d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.

(e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.

(f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.

(iii) The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390; it is to be received in confidence by the Commission.

(iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.

(v) The proprietary information sought to be withheld in this submittal is that which is contained in CN-TAS-09-5, Revision 1, "Setpoint Uncertainties and Operability Limits for the Steam Generator Level RPS and AFAS Functions for St. Lucie Unit 2" (Proprietary), dated February 12, 2010, for submittal to the Commission, being transmitted by Florida Power and Light letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse provides re-evaluated setpoint uncertainties and operability limits for the steam generator level reactor protective system (RPS) and auxiliary feedwater actuation system (AFAS) functions in support of St. Lucie Unit 2 for Extended Power Uprate (EPU) operating conditions, and may be used only for that purpose.

This information is part of that which will enable Westinghouse to:

(a) Provide Florida Power and Light, St. Lucie Unit 2, re-evaluated RPS setpoint uncertainties and operability limits applicable at EPU operating conditions.

Further this information has substantial commercial value as follows:

(a) Westinghouse plans to sell the use of similar information to its customers for the purpose of providing technical support to support other EPU licensing submittals.

(b) Westinghouse can sell support and defense of its methodology for calculating RPS setpoint uncertainties and operability limits.

(c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

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 analyses 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.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

Further the deponent sayeth not.

PROPRIETARY INFORMATION NOTICE

Transmitted herewith is the proprietary version of a document furnished to the NRC in connection with requests for generic and/or plant-specific review and approval. The document is to be considered proprietary in its entirety.

COPYRIGHT NOTICE