



April 5, 2012

**Proprietary Information – Withhold From Public Disclosure Under 10 CFR 2.390**  
**The balance of this letter may be considered non-proprietary upon removal of**  
**Attachment 1.**

L-2012-122  
10 CFR 50.90  
10 CFR 2.390

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 Nuclear Performance 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). Subject: "St. Lucie 2 EPU Draft RAIs – Nuclear Performance & Code Review Branch (SNPB)," January 27, 2012.

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).

A001  
A002  
NR

In an email dated January 27, 2012 from NRC (T. Orf) to FPL (C. Wasik) [Reference 2], the NRC staff requested additional information regarding FPL's license amendment request (LAR) to implement the EPU. The request for additional information (RAI) identified four questions (SRXB-107 through SRXB-110) related to fuel thermal conductivity. The responses to RAIs SRXB-108 through SRXB-110 were provided via FPL letter L-2012-117 dated March 17, 2012 (ML12080A104). The response to RAI SRXB-107 is provided in Attachment 1 to this letter.

Attachment 1 is proprietary in its entirety, as it contains information that is proprietary to Westinghouse Electric Company (Westinghouse). Attachment 2 contains the Proprietary Information Affidavit. The purpose of this attachment is to withhold the proprietary information contained in the response to RAI SRXB-107 (Attachment 1) 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 proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR 2.390.

This submittal does not alter the significant hazards consideration or environmental assessment previously submitted by FPL letter L-2011-021 [Reference 1].

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

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

Should you have any questions regarding this submittal, please contact Mr. Christopher Wasik, St. Lucie Extended Power Uprate LAR Project Manager, at 772-467-7138.

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

Executed on 05-April-2012

Very truly yours,



Richard L. Anderson  
Site Vice President  
St. Lucie Plant

Attachments (2)

cc: Mr. William Passetti, Florida Department of Health

## **ATTACHMENT 2**

### **EXTENDED POWER UPRATE – RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION RELATED TO THERMAL CONDUCTIVITY DEGRADATION**

**Affidavit to Withhold from Public Disclosure  
Proprietary Information  
Under 10 CFR 2.390**

**(Cover page plus 7 pages)**



Westinghouse Electric Company  
Nuclear Services  
1000 Westinghouse Drive  
Cranberry Township, Pennsylvania 16066  
USA

U.S. Nuclear Regulatory Commission  
Document Control Desk  
11555 Rockville Pike  
Rockville, MD 20852

Direct tel: (412) 374-4643  
Direct fax: (724) 720-0754  
e-mail: greshaja@westinghouse.com  
Project letter: FPL-12-95

CAW-12-3444

March 26, 2012

APPLICATION FOR WITHHOLDING PROPRIETARY  
INFORMATION FROM PUBLIC DISCLOSURE

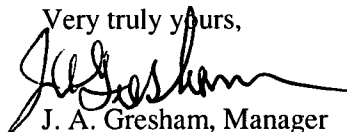
Subject: CE-12-166, "Supplemental Information for Westinghouse Position on TCD for SL2 EPU and Response to SL2 EPU RAI SRXB 107" (Proprietary)

The proprietary material for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-12-3444 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations.

The subject document was prepared and classified as Westinghouse Proprietary Class 2. Westinghouse requests that the document be considered proprietary in its entirety. As such, a non-proprietary version will not be issued.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by Florida Power & Light (FPL).

Correspondence with respect to the proprietary aspects of this application for withholding or the Westinghouse affidavit should reference CAW-12-3444 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,  
  
J. A. Gresham, Manager  
Regulatory Compliance

Enclosures

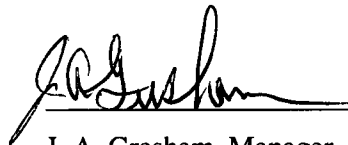
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared J. A. Gresham, 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:

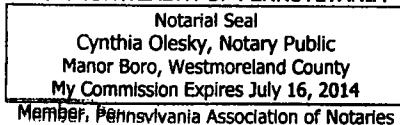


J. A. Gresham, Manager  
Regulatory Compliance

Sworn to and subscribed before me  
this 26<sup>th</sup> day of March 2012

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA



- (1) I am Manager, 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 CE-12-166, "Supplemental Information for Westinghouse Position on TCD for SL2 EPU and Response to SL2 EPU RAI SRXB 107" (Proprietary) for submittal to the Commission, being transmitted by Florida Power & Light (FPL) letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is associated with Westinghouse's Fuel Performance Codes.



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

- (a) Assist customers in obtaining NRC review of the Westinghouse fuel performance codes as applied to St. Lucie Unit 2.

Further this information has substantial commercial value as follows:

- (a) Assist customer to obtain license changes.
- (b) 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 fuel design 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 approval of the St. Lucie Unit 2 EPU LAR. The document is considered to be proprietary in its entirety.

## **COPYRIGHT NOTICE**

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.