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REF: 10CFR50.90

CP-201301411
TXX-13182

December 17, 2013

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

SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT (CPNPP)
DOCKET NOS. 50-445 AND 50-446
LICENSE AMENDMENT REQUEST (LAR) 13-01 SPENT FUEL POOL CRITICALITY
ANALYSIS, RESPONSE TO REQUESTS FOR ADDITIONAL INFORMATION ROUND 2
(TAC NOS. MF1365 AND MF1366)

- REFERENCE:**
1. Letter logged TXX-13045, dated March 28, 2013, License Amendment Request (LAR) 13-01, Revision to Technical Specifications 3.7.16, "FUEL STORAGE POOL BORON CONCENTRATION," 3.7.17, "SPENT FUEL ASSEMBLY STORAGE," 4.3, "FUEL STORAGE," and 5.5 "PROGRAMS AND MANUALS" (ML 13095A023)
 2. Letter logged TXX-13109, dated July 16, 2013, "Supplemental Information supporting LAR 13-01, Spent Fuel Pool Criticality Analysis" (ML 13205A056)
 3. Letter logged TXX-13169, dated November 26, 2013, "Supplemental Information supporting LAR 13-01, Spent Fuel Pool Criticality Analysis" (ML 13317B703)
 4. Letter dated November 19, 2013, from Balwant Singal of the NRC to Rafael Flores of Luminant Power, RE: Request for Additional Information Round 2 (ML 13317B703)

Dear Sir or Madam:

In March 2013, Luminant Generation Company LLC (Luminant Power) submitted a License Amendment Request (LAR) 13-01 (Reference 1, as supplemented by Reference 2 and the response to Requests for Additional Information in Reference 3) to the NRC for Facility Operating License Nos. NPF-87 and NPF-89 for Comanche Peak Nuclear Power Plant (CPNPP), Units 1 and 2, respectively. This LAR proposes a change to the CPNPP, Units 1 and 2, Technical Specifications based on an updated criticality analysis methodology for the spent fuel pools.

A member of the STARS Alliance

Callaway · Comanche Peak · Diablo Canyon · Palo Verde · South Texas Project · Wolf Creek

*ADD
NRR*

*Designated Original
per Balwant Singal,
Lead PM*

Per Reference 4, the U.S. Nuclear Regulatory Commission (NRC) staff has requested additional information (RAI), regarding the LAR, be submitted in order to complete its review. Attachment 1 to this letter is the proprietary version of Luminant Power's response to the RAIs. Attachment 2 provides a non-proprietary version of Luminant Power's response to the RAIs.

Also enclosed is the Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-13-3866, accompanying Affidavit, Proprietary Information Notice, and Copyright Notice.

As Attachment 1 contains information proprietary to Westinghouse Electric Company LLC, 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 Commission and addresses with specificity the considerations listed in paragraph (b)(4) of Section 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 10CFR Section 2.390 of the Commission's regulations.

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavit should reference CAW-13-3866 and should be addressed to James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 310, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

In accordance with 10CFR50.91(b), Luminant Power is providing the State of Texas with a copy of this proposed amendment.

Attachment 1 of Reference 1, Description and Assessment, which addresses the no significance hazards consideration standards set forth in 10CFR50.92, remains valid and does not require change.

This communication contains the following new commitments regarding Comanche Peak Units 1 and 2.

<u>Commitment No.</u>	<u>Description</u>
4760732	Current and future fuel assemblies will use a Wet Annular Burnable Absorber (WABA) which is no more than 120 inches in length and 95/95 Upper Bound fuel theoretical density (%TD) will be $\leq 96.5\%$. Future fuel cycles will utilize a Maximum Inlet Temperature of ≤ 561.7 degrees F. If these parameters are not met, the fuel assemblies will be treated as fresh fuel for storage in the Spent Fuel Pools.
4760737	CPNPP will review the calculated B-10 concentration in the RCS each refueling outage (after borating to >2400 ppm, but not including the fill of the Refueling Cavity). If the calculated value is below 0.194 atom fraction, a B-10 measurement will be performed on the Spent Fuel Pool after adequate mixing time has occurred, but prior to the next refueling outage to ensure the B-10 value in the SFP has not significantly changed.

- 4760738 CPNPP will review the SFP Boron Measurement history each refueling outage. If the SFP boron values have experienced any increase of more than 100 ppm, a review of B-10 values for Boric Acid purchased at CPNPP will be performed. If this review demonstrates that boric acid has been purchased which has a B-10 atom fraction below 0.194, a B-10 measurement will be performed on the Spent Fuel Pool prior to the next refueling outage to ensure the B-10 value in the SFP has not significantly changed.
- 4760741 For fuel assemblies which are classified as outlier assemblies solely due to Hot Full Power (HFP) Rodded Operation, burnup which is accrued during HFP rodded conditions will not be credited in the Technical Specification Surveillance, but all other burnup accrued during the cycle will be credited. The administrative controls and Configuration Confirmation Software tools described in Enclosure 1 of LAR 13-01 will incorporate limitations to ensure that the appropriate burnup is credited for fuel assemblies which have experienced HFP Rodded Operation beyond the low threshold required by the area of applicability.

Should you have any questions, please contact Mr. J. D. Seawright at (254) 897-0140.

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

Executed on December 17, 2013.

Sincerely,

Luminant Generation Company LLC

Rafael Flores

By: 

Thomas P. McCool
Vice President, Station Support

- Attachments: 1. Comanche Peak Responses to LAR 13-01 Request for Additional Information (RAI) – Round 2 (Proprietary)
2. Comanche Peak Responses to LAR 13-01 Request for Additional Information (RAI) – Round 2 (Non-Proprietary)

Enclosure: Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-13-3866, accompanying Affidavit, Proprietary Information Notice, and Copyright Notice

c - Marc L. Dapas, Region IV (w/o Attachment 1)
Balwant K. Singal, NRR
Bartlett, Mathew NRR
Resident Inspectors, Comanche Peak (w/o Attachment 1)

Mr. Robert Free (w/o Attachment 1)
Environmental Monitoring & Emergency Response Manager
Texas Department of State Health Services
Mail Code 1986
P. O. Box 149347
Austin, Texas 78714-9347

Enclosure to TXX-13182



Westinghouse Electric Company
Engineering, Equipment and Major Projects
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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
Proj letter: NF-TB-13-119

CAW-13-3866

December 10, 2013

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: CE-13-809, Attachment 1, "Westinghouse Suggested Responses to the NRC Requests for Additional Information (RAI) on the Comanche Peak Nuclear Power Plant Units 1 and 2 Spent Fuel Pool License Amendment Request." (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-13-3866 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.

Accordingly, this letter authorizes the utilization of the accompanying Affidavit by Luminant Generation Company LLC.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse Affidavit should reference CAW-13-3866, and should be addressed to James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 310, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Gresham'.

James A. Gresham, Manager
Regulatory Compliance

Enclosures

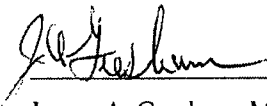
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

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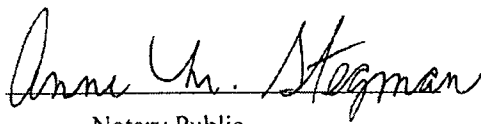
COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared James 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:

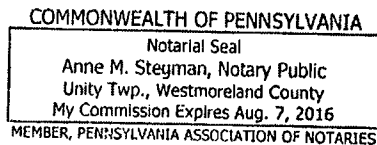


James A. Gresham, Manager
Regulatory Compliance

Sworn to and subscribed before me
this 10th day of December 2013



Notary Public



- (1) I am Manager, Regulatory Compliance, in Engineering, Equipment and Major Projects, 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.
 - (c) 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.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in CE-13-809, Attachment 1, "Westinghouse Suggested Responses to the NRC Requests for Additional Information (RAI) on the Comanche Peak Nuclear Power Plant Units 1 and 2 Spent Fuel Pool License Amendment Request." (Proprietary), for submittal to the Commission, being transmitted by Luminant Generation Company LLC letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is that associated with Westinghouse's request for NRC approval of WCAP-17728, Revision 1, and may be used only for that purpose.

- (a) This information is part of that which will enable Westinghouse to:
 - (i) Obtain NRC approval of WCAP-17728-P, Revision 1, "Comanche Peak Nuclear Power Plant Units 1 and 2 Spent Fuel Pool Criticality Safety Analysis."
 - (ii) Demonstrate the sub-criticality of the Comanche Peak spent fuel pools.
- (b) Further this information has substantial commercial value as follows:
 - (i) Westinghouse plans to sell the use of the information to its customers for the purpose of demonstrating the sub-criticality of the spent fuel pool.
 - (ii) Westinghouse can sell support and defense of spent fuel pool criticality analysis.
 - (iii) 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 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.

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 are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary 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 refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the Affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

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 generic and 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. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.