



October 2, 2015

L-2015-259
10 CFR 50.90

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

RE: St. Lucie Unit 2
Docket No. 50-389
RAI Response to SRXB-RAI-1 and SNPB RAI-2 thru RAI-20 for the Technical Specification LAR and Exemption Request Regarding the Transitioning to AREVA Fuel

Reference:

1. FPL letter L-2014-366 dated December 30, 2014, "Application for Technical Specification Change and Exemption Request Regarding the Transitioning to AREVA Fuel," Accession No. ML15002A091
2. FPL letter L-2015-091 dated March 23, 2015, "Supplemental Information for Technical Specification Change and Exemption Request Regarding the Transitioning to AREVA Fuel," Accession No. ML15084A011
3. NRC letter dated May 12, 2015, "St. Lucie Plant, Unit No. 2 - Request for Additional Information Regarding License Amendment Request and Exemption Request Regarding the Transitioning to AREVA Fuel (TAC NOS. MF5494 AND MF5495)," Accession No. ML15127A405
4. FPL Letter L-2015-166 dated June 2, 2015, "RAI Reply for Application for Technical Specification Change and Exemption Request Regarding the Transitioning to AREVA Fuel," Accession No. ML15161A316
5. FPL Letter L-2015-177 dated June 18, 2015, "Resubmittal of the AREVA Small Break LOCA Summary Report Within the Application for Technical Specification Change and Exemption Request Regarding the Transitioning to AREVA Fuel," Accession No. ML15181A290
6. NRC Letter dated June 24, 2015, "St. Lucie Plant, Unit 2 – Request for Additional Information Regarding License Amendment Request and Exemption Request Regarding the Transitioning to AREVA Fuel (TAC Nos. MF5494 and MF5495)," Accession No. ML15166A368
7. FPL Letter L-2015-209 dated July 30, 2015, "RAI Response to SNPB-RAI-1 for the Technical Specification LAR and Exemption Request Regarding the Transitioning to AREVA Fuel," Accession No. ML15219A184
8. NRC Letters dated September 4, 2015, "St. Lucie Plant, Unit No. 2 - Request for Additional Information Regarding License Amendment Request and Exemption Request Regarding the Transitioning to AREVA Fuel (TAC Nos. MF5494 AND MF5495)," Accession Nos. ML 15233A031 and ML 15233A036

Pursuant to 10 CFR 50.90, Florida Power & Light Company (FPL) submitted via Reference 1 and supplemented via Reference 2 a license amendment to the Technical Specifications (TS) for St. Lucie Unit 2 to allow the use of AREVA fuel. References 4 and 7 provided the responses to the NRC requests for additional information (RAIs) of References 3 and 6. Reference 5 modified the proprietary markings contained in the SBLOCA summary report.

Attachment 3 contains proprietary information per 10 CFR 2.390, upon removal, this document is
Florida Power & Light Company

uncontrolled

The NRC transmitted additional RAIs in Reference 8, and this letter provides the response to the RAIs in Attachments 3 and 4 to this letter. Attachments 3 and 4 exclude the response to SNPB RAI-9 as the AREVA evaluations needed to fully address the information as it relates to seismic and seismic/LOCA are not complete. A date for transmittal of the response to SNPB RAI-9 will be provided to the NRC Project Manager as soon as practicable. Additionally, all the RAI responses related to small break loss of coolant accident (SBLOCA) are based on updated SBLOCA calculations with conservative charging flow configuration as stated in the response to SNPB RAI-15. Attachments 1 and 2 provide the affidavits for withholding the AREVA and Westinghouse, respectively, proprietary information contained in the RAI responses from the public. Attachment 3 provides the proprietary RAI responses, and Attachment 4 provides the non-proprietary version of the RAI responses.

If you should have any questions, please contact Mr. Ken Frehafer at (772) 467-7748.

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

Executed on October 2, 2015.

Sincerely,



Christopher R. Costanzo
Site Vice President
St. Lucie Plant

CRC/KWF

Attachments

1. AREVA affidavit for withholding proprietary information from the public
2. Westinghouse affidavit for withholding proprietary information from the public
3. AREVA proprietary report ANP-3440P, Revision 1, Response to NRC Questions SRXB-RAI-1 and SNPB RAI-2 thru SNPB RAI-20
4. AREVA non-proprietary report ANP-3440NP, Revision 1, Response to NRC Questions SRXB-RAI-1 and SNPB RAI-2 thru SNPB RAI-20

cc: USNRC Regional Administrator, Region II
USNRC Senior Resident Inspector, St. Lucie Nuclear Plant
Ms. Cindy Becker, Florida Department of Health

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AFFIDAVIT

COMMONWEALTH OF VIRGINIA)
) ss.
CITY OF LYNCHBURG)

1. My name is Nathan E. Hottle. I am Manager, Product Licensing, for AREVA Inc. (AREVA) and as such I am authorized to execute this Affidavit.

2. I am familiar with the criteria applied by AREVA to determine whether certain AREVA information is proprietary. I am familiar with the policies established by AREVA to ensure the proper application of these criteria.

3. I am familiar with the AREVA information contained in the following document: "St. Lucie Unit 2 Fuel Transition: Response to NRC Questions SRXB-RAI-1 and SNPB RAI-2 thru SNPB RAI-20," referred to herein as "Document." Information contained in this Document has been classified by AREVA as proprietary in accordance with the policies established by AREVA Inc. for the control and protection of proprietary and confidential information.

4. This Document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by AREVA and not made available to the public. Based on my experience, I am aware that other companies regard information of the kind contained in this Document as proprietary and confidential.

5. This Document has been made available to the U.S. Nuclear Regulatory Commission in confidence with the request that the information contained in this Document be withheld from public disclosure. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is

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requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."

6. The following criteria are customarily applied by AREVA to determine whether information should be classified as proprietary:

- (a) The information reveals details of AREVA's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by AREVA, would be helpful to competitors to AREVA, and would likely cause substantial harm to the competitive position of AREVA.

The information in this Document is considered proprietary for the reasons set forth in paragraphs 6(b), 6(c), 6(d) and 6(e) above.

7. In accordance with AREVA's policies governing the protection and control of information, proprietary information contained in this Document has been made available, on a limited basis, to others outside AREVA only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. AREVA policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

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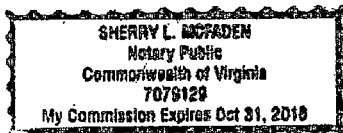
9. The foregoing statements are true and correct to the best of my knowledge,
information, and belief.

Walter E. Powell

SUBSCRIBED before me this 25th
day of September, 2015.

Sherry L. McFaden

Sherry L. McFaden
NOTARY PUBLIC, COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES: 10/31/18
Reg. # 7079129





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CAW-15-4297

October 1, 2015

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: Westinghouse Data to be Supplied to USNRC in Support of St. Lucie Unit 2 Fuel Transition Request for Additional Information

The Application for Withholding Proprietary Information from Public Disclosure is submitted by Westinghouse Electric Company LLC (Westinghouse), pursuant to the provisions of paragraph (b)(1) of Section 2.390 of the Commission's regulations. It contains commercial strategic information proprietary to Westinghouse and customarily held in confidence.

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-15-4297 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 NextEra Energy.

Correspondence with respect to the proprietary aspects of the Application for Withholding or the Westinghouse Affidavit should reference CAW-15-4297, and should be addressed to James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, 1000 Westinghouse Drive, Building 3 Suite 310, Cranberry Township, Pennsylvania 16066.

A handwritten signature in cursive script, appearing to read 'J. A. Gresham'.

James A. Gresham, Manager
Regulatory Compliance

CAW-15-4297
October 1, 2015

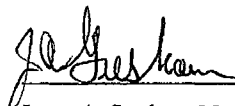
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF BUTLER:

I, James A. Gresham, am 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 my knowledge, information, and belief.



James A. Gresham, Manager
Regulatory Compliance

- (1) I am Manager, Regulatory Compliance, 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 constitute Westinghouse policy and provide 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.
- (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 "Westinghouse Data to be Supplied to USNRC in Support of St. Lucie Unit 2 Fuel Transition Request for Additional Information" (Proprietary), for submittal to the Commission, being transmitted by NextEra Energy Letter L-2015-259 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 the RAI response provided in NextEra Energy Letter L-2015-259, and may be used only for that purpose.

- (a) This information is part of that which will enable Westinghouse to:
 - (i) Perform various fuel-related design and analysis services in support of plant operation.

- (b) Further this information has substantial commercial value as follows:
 - (i) Westinghouse plans to sell the use of similar information to its customers for the purpose of various fuel related analyses.
 - (ii) Westinghouse can sell support and defense of industry guidelines and acceptance criteria for plant-specific applications.
 - (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 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.