



Enclosure 3 Contains Proprietary Information

Withhold Enclosure 3 from Public Disclosure in Accordance with 10 CFR 2.390

March 11, 2016

NG-16-0055
10 CFR 50.90

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

Duane Arnold Energy Center
Docket No. 50-331
Renewed Op. License No. DPR-49

Resubmittal of Affidavit Submitted with Response to Request for Additional Information, License Amendment Request (TSCR-144) to Revise and Relocate Pressure and Temperature Limit Curves to a Pressure and Temperature Limits Report - MF6617

- References:
- 1) License Amendment Request (TSCR-144) to Revise and Relocate Pressure and Temperature Limit Curves to a Pressure and Temperature Limits Report, NG-15-0235, dated July 30, 2015 (ML15253A310 and ML15253A311)
 - 2) Electronic Communication, Request for Additional Information, License Amendment Request to Revise and Relocate Pressure and Temperature limit curves to a Pressure and Temperature Limit Report – MF6617, dated January 21, 2016
 - 3) Letter, Vehec (NextEra) to U. S. NRC, Response to Request for Additional Information, License Amendment Request (TSCR-144) to Revise and Relocate Pressure and Temperature Limit Curves to a Pressure and Temperature Limits Report, NG-16-0042, dated February 19, 2016

**Enclosure 3 transmitted herewith contains Proprietary Information.
When separated from Enclosure 3, this document is decontrolled.**

ADDI
NRR

In the Reference 1 letter, NextEra Energy Duane Arnold, LLC (hereafter NextEra Energy Duane Arnold) submitted a License Amendment Request for the Duane Arnold Energy Center (DAEC) pursuant to 10 CFR 50.90. Subsequently, the NRC Staff requested, via Reference 2, additional information regarding that application.

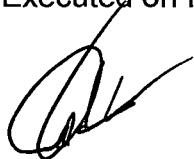
The requested information was provided via Reference 3. The NRC subsequently requested that the affidavit and proprietary information enclosed with Reference 3 be resubmitted with administrative revisions. The Enclosures to this letter resubmit the affidavit and proprietary information with those revisions incorporated.

This additional information does not impact the 10 CFR 50.92 evaluation of "No Significant Hazards Consideration" previously provided in the Reference 1 application.

This letter does not contain any new commitments or change any existing commitments.

If you have any questions or require additional information, please contact J. Michael Davis at 319-851-7032.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on March 11, 2016



T. A. Vehec
Vice President, Duane Arnold Energy Center
NextEra Energy Duane Arnold, LLC

- Enclosure 1: Redacted Non-Proprietary BWRVIP-135 Sections
- Enclosure 2: EPRI Affidavit for Withholding Proprietary Information From the Public
- Enclosure 3: Proprietary BWRVIP-135 Sections

cc: NRC Regional Administrator
NRC Resident Inspector
NRC Project Manager
A. Leek (State of Iowa)

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Enclosure 2 to NG-16-0055

EPRI Affidavit for Withholding Proprietary Information From the Public

4 pages follow

Ref. EPRI Project Number 669

March 3, 2016

Document Control Desk
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Request for Withholding of the following Proprietary Information Included in:

FPL Energy Duane Arnold, LLC, Duane Arnold Energy Center Submittal to the NRC for "Response to Request for Additional Information - LAR to Revise and Relocate Pressure and Temperature Limit Curves to a Pressure and Temperature Limits Report - MF6617," Enclosure 4, Nextera Energy Duane Arnold Response to EVIB RAI-1 with Proprietary EPRI BWRVIP-135 Rev 3 Sections, "BWR Vessel and Internals Project, Integrated Surveillance Program (ISP) Data Source Book and Plant Evaluations, 3002003144, Technical Report, December 2014"

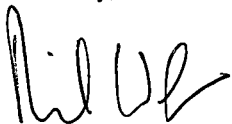
To Whom It May Concern:

This is a request under 10 C.F.R. §2.390(a)(4) that the U.S. Nuclear Regulatory Commission ("NRC") withhold from public disclosure the report identified in the enclosed Affidavit consisting of the proprietary information owned by Electric Power Research Institute, Inc. ("EPRI") identified in the attached report. Proprietary and non-proprietary versions of the Response and the Affidavit in support of this request are enclosed.

EPRI desires to disclose the Proprietary Information in confidence to assist the NRC review of the enclosed submittal to the NRC by FPL Energy Duane Arnold. The Proprietary Information is not to be divulged to anyone outside of the NRC or to any of its contractors, nor shall any copies be made of the Proprietary Information provided herein. EPRI welcomes any discussions and/or questions relating to the information enclosed.

If you have any questions about the legal aspects of this request for withholding, please do not hesitate to contact me at (704) 595-2732. Questions on the content of the Report should be directed to Andy McGehee of EPRI at (704) 502-6440.

Sincerely,



Attachment(s)

c: Sheldon Stuchell, NRC (sheldon.stuchell@nrc.gov)

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AFFIDAVIT

RE: Request for Withholding of the Following Proprietary Information Included In:

FPL Energy Duane Arnold, LLC, Duane Arnold Energy Center Submittal to the NRC for "Response to Request for Additional Information - LAR to Revise and Relocate Pressure and Temperature Limit Curves to a Pressure and Temperature Limits Report - MF6617," Enclosure 4, Nextera Energy Duane Arnold Response to EVIB RAI-1 with Proprietary EPRI BWRVIP-135 Rev 3 Sections, "*BWR Vessel and Internals Project, Integrated Surveillance Program (ISP) Data Source Book and Plant Evaluations, 3002003144, Technical Report, December 2014*"

I, Neil Wilmshurst, being duly sworn, depose and state as follows:

I am the Vice President and Chief Nuclear Officer at Electric Power Research Institute, Inc. whose principal office is located at 1300 W WT Harris Blvd, Charlotte, NC. ("EPRI") and I have been specifically delegated responsibility for the above-listed report that contains EPRI Proprietary Information that is sought under this Affidavit to be withheld "Proprietary Information". I am authorized to apply to the U.S. Nuclear Regulatory Commission ("NRC") for the withholding of the Proprietary Information on behalf of EPRI.

EPRI Proprietary Information is identified in the above referenced report by a solid underline inside double brackets. An example of such identification is as follows:

{{This sentence is an example.^{E}}}

Tables containing EPRI Proprietary Information are identified with double brackets before and after the object. In each case the superscript notation ^{E} refers to this affidavit and all the bases included below, which provide the reasons for the proprietary determination.

EPRI requests that the Proprietary Information be withheld from the public on the following bases:

Withholding Based Upon Privileged And Confidential Trade Secrets Or Commercial Or Financial Information (see e.g., 10 C.F.R. § 2.390(a)(4):

a. The Proprietary Information is owned by EPRI and has been held in confidence by EPRI. All entities accepting copies of the Proprietary Information do so subject to written agreements imposing an obligation upon the recipient to maintain the confidentiality of the Proprietary Information. The Proprietary Information is disclosed only to parties who agree, in writing, to preserve the confidentiality thereof.

b. EPRI considers the Proprietary Information contained therein to constitute trade secrets of EPRI. As such, EPRI holds the Information in confidence and disclosure thereof is strictly limited to individuals and entities who have agreed, in writing, to maintain the confidentiality of the Information.

c. The information sought to be withheld is considered to be proprietary for the following reasons. EPRI made a substantial economic investment to develop the Proprietary Information and, by prohibiting public disclosure, EPRI derives an economic benefit in the form of licensing royalties and other additional fees from the confidential nature of the Proprietary Information. If the Proprietary Information were publicly available to consultants and/or other businesses providing services in the electric and/or nuclear power industry, they would be able to use the Proprietary Information for their own commercial benefit and profit and without expending the substantial economic resources required of EPRI to develop the Proprietary Information.

d. 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."

e. The Proprietary Information contained therein are not generally known or available to the public. EPRI developed the Information only after making a determination that the Proprietary Information was not available from public sources. EPRI made a substantial investment of both money and employee hours in the development of the Proprietary Information. EPRI was required to devote these resources and effort to derive the Proprietary Information. As a result of such effort and cost, both in terms of dollars spent and dedicated employee time, the Proprietary Information is highly valuable to EPRI.

f. A public disclosure of the Proprietary Information would be highly likely to cause substantial harm to EPRI's competitive position and the ability of EPRI to license the Proprietary Information both domestically and internationally. The Proprietary Information can only be acquired and/or duplicated by others using an equivalent investment of time and effort.

I have read the foregoing and the matters stated herein are true and correct to the best of my knowledge, information and belief. I make this affidavit under penalty of perjury under the laws of the United States of America and under the laws of the State of North Carolina.

Executed at 1300 W WT Harris Blvd being the premises and place of business of Electric Power Research Institute, Inc.

Date: 3-3-2016
Neil Wilmshurst

Neil Wilmshurst

(State of North Carolina)
(County of Mecklenburg)

Subscribed and sworn to (or affirmed) before me on this 3rd day of March, 2016, by Neil Wilmshurst, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Deborah N. Lause (Seal)

My Commission Expires 2nd day of April, 2016

