



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 6, 2021

Mr. Robert Coffey
Vice President, Nuclear &
Chief Nuclear Officer
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408

SUBJECT: ST. LUCIE PLANT, UNITS 1 AND 2 – REQUEST FOR WITHHOLDING FROM
PUBLIC DISCLOSURE REGARDING SUBSEQUENT LICENSE RENEWAL
APPLICATION

Dear Mr. Coffey:

By letter dated August 3, 2021 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML21215A314), Florida Power & Light Company (FPL or the applicant) submitted an application for the subsequent license renewal of Renewed Facility Operating License Nos. DPR-67 and NPF-16 for the St. Lucie Plant, Units 1 and 2 (St. Lucie) to the U.S. Nuclear Regulatory Commission (NRC). FPL submitted the application pursuant to Title 10 of the *Code of Federal Regulations* Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants," for subsequent license renewal.

As part of the application, you submitted the following affidavits:

1. CAW-21-5192, affidavit executed by Jill S. Monahan, Manager, eVinci Modeling and Analysis, on June 25, 2021, requesting the proprietary portions of LTR-SDA-21-021-P, Rev. 1, "St. Lucie Units 1 & 2 Subsequent License Renewal: Reactor Pressure Vessel Supports Assessment," be withheld from public disclosure under 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

"Pursuant to 10 CFR 2.390, 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 and is not customarily disclosed to the public.
- (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse's knowledge, is not available in public sources.
- (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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 justification 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.”

2. CAW-21-5199, affidavit executed by Anthony J. Schoedel, Manager, eVinci Licensing & Configuration Management, on July 14, 2021, requesting the proprietary portions of LTR-SDA-II-20-31-P, Revision 2, “St. Lucie Units 1 & 2 Subsequent License Renewal: Primary Equipment and Piping Environmentally Assisted Fatigue Evaluations,” be withheld from public disclosure under 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

“Pursuant to 10 CFR 2.390, 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 and is not customarily disclosed to the public.
 - (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse’s knowledge, is not available in public sources.
 - (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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 justification 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.”
3. MSLEF-LTR-001 Rev. 0, affidavit executed by Mario Gogic, Manager, Component Engineering of BWXT Canada Ltd., on July 16, 2021, requesting the proprietary portions of MSLEF-SR-01-P, “St. Lucie Unit 1 Replacement Steam Generator – Environmental Assisted Fatigue Report,” be withheld from public disclosure under 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

“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 BWXT.

- (ii) The information is of a type customarily held in confidence by BWXT and not customarily disclosed to the public. BWXT 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 substances of that system constitutes BWXT policy and provides the rational basis required.
 - (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.”
4. No. 86-9329644-001, affidavit executed by Gayle Elliott, Deputy Director, Licensing and Regulatory Affairs, for Framatome Inc., on July 14, 2021, requesting the proprietary portions of document No. 86-9329644-001, “St. Lucie SLR CUFen Evaluations Summary,” be withheld from public disclosure under 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

“4. This document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by Framatome 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 requested qualifies under 10 CFR 2.390. The information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4) “Trade Secrets and commercial or financial information.””

5. CAW-21-5189, affidavit executed by Anthony J. Schoedel, Manager, eVinci Licensing & Configuration Management, on June 3, 2021, requesting the proprietary portions of WCAP-18617-P, Revision 1, “St. Lucie Units 1 & 2 Subsequent License Renewal: Technical Justification for Eliminating Large Primary Loop Pipe Rupture as the Structural Design Basis,” be withheld from public disclosure under 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

“Pursuant to 10 CFR 2.390, 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 and is not customarily disclosed to the public.

- (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse's knowledge, is not available in public sources.
- (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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 justification 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."

6. CAW-21-5180, affidavit executed by Anthony J. Schoedel, Manager, eVinci Licensing & Configuration Management, on May 5, 2021, requesting the proprietary portions of LTR-SDA-20-097-P, Rev. 2, "St. Lucie Units 1 & 2 Subsequent License Renewal: Alloy 600 Half Nozzle Repair Flaw Evaluation," be withheld from the public disclosure under 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

"Pursuant to 10 CFR 2.390, 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 and is not customarily disclosed to the public.
- (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse's knowledge, is not available in public sources.
- (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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 justification 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."

7. CAW-21-5201, affidavit executed by affidavit executed by Anthony J. Schoedel, Manager, eVinci Licensing & Configuration Management, on July 9, 2021, requesting the proprietary portions of LTR-SDA-20-104-P, Rev. 2, "St. Lucie Units 1 & 2 Subsequent License Renewal: Evaluation of Time-Limited Aging Analysis of the Reactor Vessel Internals," be withheld from public disclosure under 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

“Pursuant to 10 CFR 2.390, 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 and is not customarily disclosed to the public.
 - (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse’s knowledge, is not available in public sources.
 - (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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 justification 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.”
8. CAW-21-5173, affidavit executed by Zackary S. Harper, Manager Licensing Engineering, Westinghouse Electric Company LLC, on April 9, 2021, requesting the proprietary portions of LTR-SDA-20-099-P, Rev. 1, “St. Lucie Units 1 & 2 Subsequent License Renewal: Task 9E RCP Casing Code Case N-481 Evaluation,” be withheld from public disclosure under 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

“Pursuant to 10 CFR 2.390, 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 and is not customarily disclosed to the public.
- (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse’s knowledge, is not available in public sources.
- (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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 justification 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.”

9. No. 86-9329645-000, affidavit executed by Gayle Elliott, Deputy Director, Licensing and Regulatory Affairs, for Framatome Inc., on July 14, 2021, requesting the proprietary portions of document No. 86-9329645-000, "St. Lucie SLR Crack Growth Analysis Summary," be withheld from public disclosure under 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

"4. This document contains information of a proprietary and confidential nature and is of the type customarily held in confidence by Framatome 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 requested qualifies under 10 CFR 2.390. The information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4) "Trade Secrets and commercial or financial information."

10. LTR-SDA-II-20-31-P, Rev. 2, affidavit executed by Ihab Botros, Vice President/General Manager, FPD Americas, on July 29, 2021, requesting the proprietary portions of LTR-SDA-II-20-31-P, Rev. 2, "St. Lucie Units 1 & 2 Subsequent License Renewal: Primary Equipment and Piping Environmentally Assisted Fatigue Evaluations," be withheld from public disclosure under 10 CFR 2.390.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

"Pursuant to 10 CFR 2.390, 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 Flowserve and is not customarily disclosed to the public.
- (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Flowserve's knowledge, is not available in public sources.
- (iii) Flowserve notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Flowserve because it would enhance the ability of competitors to provide similar technical evaluation justification 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."

A nonproprietary copy of these documents has been placed in the NRC's Public Document Room and added to the NRC Library under the ADAMS Accession No. ML21215A320.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached via e-mail at Lois.James@nrc.gov.

Sincerely,

/RA/

Lois James, Project Manager
License Renewal Projects Branch
Division of New and Renewed License
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

cc: Listserv

SUBJECT: ST. LUCIE PLANT, UNITS 1 AND 2 – REQUEST FOR WITHHOLDING
 FROM PUBLIC DISCLOSURE REGARDING SUBSEQUENT LICENSE
 RENEWAL APPLICATION
 DATED: OCTOBER 6, 2021

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