



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

November 8, 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 – REVISED 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.

On October 6, 2021, the NRC issued a letter (ADAMS Accession No. ML21271A138) with the staff determination that the material submitted with your application dated August 3, 2021, in accordance with the requirements of 10 CFR 2.390, and on the basis of the statements in the affidavits sought to be withheld contained proprietary commercial information and should be withheld from public disclosure.

By letter dated October 12, 2021 (ADAMS Package Accession No. ML21285A106), FPL submitted Revision 1 of the St. Lucie subsequent license renewal application. As part of Revision 1 of the application, you submitted the following revised affidavits:

1. CAW-21-5221, affidavit executed by Anthony J. Schoedel, Manager, eVinci Licensing and Configuration Management, on September 16, 2021, requesting the proprietary portions of LTR-SDA-21-021-P, Rev. 2, "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-21-5222, affidavit executed by Anthony J. Schoedel, Manager, eVinci Licensing & Configuration Management, on September 16, 2021, requesting the proprietary portions of LTR-SDA-II-20-31-P, Revision 3, "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. CAW-21-5223, affidavit executed by Anthony J. Schoedel, Manager, eVinci Licensing & Configuration Management, on September 16, 2021, requesting the proprietary portions of LTR-SDA-20-097-P, Rev. 3, "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.”
4. CAW-21-5224, affidavit executed by affidavit executed by Anthony J. Schoedel, Manager, eVinci Licensing & Configuration Management, on September 16, 2021, requesting the proprietary portions of LTR-SDA-20-104-P, Rev. 3, “St. Lucie Units 1 & 2 Subsequent License Renewal: Evaluation of Time-Limited Aging Analysis of the Reactor Vessel Internals,” be withheld form 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.”

5. CAW-21-5225, affidavit executed by Anthony J. Schoedel, Manager, eVinci Licensing & Configuration Management, on September 16, 2021, requesting the proprietary portions of LTR-SDA-20-099-P, Rev. 2, "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."
6. LTR-SDA-II-20-31-P, Rev. 3, affidavit executed by Ihab Botros, Vice President/General Manager, FPD Americas, on September 28, 2021, requesting the proprietary portions of LTR-SDA-II-20-31-P, Rev. 3, "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. ML21285A112.

We have reviewed your Revision 1 to the 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 – REVISED REQUEST FOR WITHHOLDING FROM PUBLIC DISCLOSURE REGARDING SUBSEQUENT LICENSE RENEWAL APPLICATION DATED: NOVEMBER 8, 2021

DISTRIBUTION:

PUBLIC

RidsNrrDnrl Resource
 RidsNrrPMStLucie Resource
 HRodriguez, NRR
 LJames, NRR
 LGibson, NRR
 LRakovan, NMSS
 RElliott, NMSS
 BSmith, NRR
 BCaldwell, NRR
 NJordan, NRR
 MMahoney, NRR
 UShoop, NRR
 CKreuzberger, OGC
 MYoung, OGC
 RRichardson, OEDO
 SBurnell, HQ/OPA
 LWilkins, OCA
 DMcIntyre, HQ/OPA
 DGasperson, RII

JPelchat, RII
 ELea, RII
 SRoberts, RII
 DOrr, RII
 SDowney, RII
 DDumbacher, RII
 PCooper, RII
 BDesai, RII
William.Maher@fpl.com
Steve.Franzone@fpl.com
Richard.Orthen@fpl.com

ADAMS Accession No. ML21292A225 via e-concurrence NRR-106

OFFICE	PM/DNRL/NLRP	LA/DNRL/NRLB	BC/DNRL/NPHP	BC/DNRL/NVIB	BC/DNRL/NLRP
NAME	HRodriguez	SGreen	MMitchell	ABuford	LGibson
DATE	10/19/21	10/19/21	10/20/21	10/31/21	11/03/21
OFFICE	PM/DNRL/NLRP				
NAME	LJames				
DATE	11/08/21				

OFFICIAL RECORD COPY