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Serial: NPD-NRC-2015-022
May 26, 2015

10CFR52.79

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

**LEVY NUCLEAR PLANT, UNITS 1 AND 2
DOCKET NOS. 52-029 AND 52-030
TRANSMITTAL OF MAIN CONTROL ROOM DOSE CALCULATION FILES SUPPORTING
LEVY RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 121
RELATED TO SRP SECTIONS 6.2.5 AND 6.4 FOR THE LEVY NUCLEAR PLANT UNITS 1
AND 2 COMBINED LICENSE APPLICATION**

Reference: 1) Letter from Donald Habib (NRC) to Christopher M. Fallon (DEF), dated September 24, 2014, "Request for Additional Information Letter No. 121 Related to Standard Review Plan Sections 6.2.5 and 6.4 for the Levy Nuclear Plant, Units 1 and 2 Combined License Application" (ML14259A096).

Ladies and Gentlemen:

Duke Energy Florida, Inc. (DEF) hereby submits the particulate input and output files for the main control room dose calculations. These files support the Levy response to the Nuclear Regulatory Commission's (NRC) request for additional information (RAI) question 06.04-2 (eRAI 7661) (Reference 1).

The information contained in the files on the attached disk (Enclosure 1) is provided to support the NRC's review of the LNP COL. The files are provided in PDF format. The information provided on the disc is proprietary. There is no non-proprietary version of this information. The main control room dose calculation input and output files names are:

mcnp_LOCA_Cont_Part_VES_out.pdf
mcnp_LOCA_Cont_Part_VES.pdf
mcnp_LOCA_Cont_Part_VBS_out.pdf
mcnp_LOCA_Cont_Part_VBS.pdf

The Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-15-4139 is contained in Enclosure 2 with the accompanying Affidavit. The Proprietary Information Notice and Copyright Notice are contained in Enclosure 3.

As Enclosure 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 10 CFR 2.390(b)(4).

Accordingly, it is respectfully requested that the information (Enclosure 1) which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations.

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NRO

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavit should reference CAW-15-4139 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.

If you have any further questions, or need additional information, please contact me at (704) 382-4046.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Kitchen', written in a cursive style.

Robert Kitchen
Director - Licensing
Nuclear Development

Enclosures:

1. Main Control Room Dose Calculation Particulate Input and Output files in .pdf format (Data Disk) (Proprietary)
2. Westinghouse Application Letter CAW-15-4139 and Affidavit
3. Proprietary Information Notice and Copyright Notice

cc (w/o enclosures): U.S. NRC Region II, Regional Administrator

cc (w/ enclosures): Mr. Donald Habib, U.S. NRC Project Manager

**Main Control Room Dose Calculation Particulate Input and Output files in .pdf format
(Data Disk)**

Westinghouse Application Letter CAW-15-4139 and Affidavit
(7 pages including cover page)



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U.S. Nuclear Regulatory Commission
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Proj letter: APC_APG_000247

CAW-15-4139

20 May 2015

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

Subject: APC_APG_000247 Revision 0, "Remainder of MCR Dose Input / Output Files"

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-15-4139 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 APOG.

Correspondence with respect to the proprietary aspects of the Application for Withholding or the Westinghouse Affidavit should reference CAW-15-4139, 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.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard A. DeLong", written over a horizontal line.

Richard A. DeLong, Director

International Licensing and Regulatory Affairs

CAW-15-4139

20 May 2015

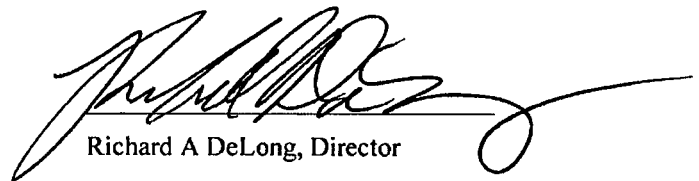
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF BUTLER:

I, Richard A. DeLong, 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.

A handwritten signature in black ink, appearing to read 'Richard A. DeLong', is written over a horizontal line.

Richard A DeLong, Director

International Licensing and Regulatory Affairs

- (1) I am Director, International Licensing and Regulatory Affairs, 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 APC_APG_000247 Revision 0, "Remainder of MCR Dose Input / Output Files" for submittal to the Commission, being transmitted by APOG 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 the topic of Condensate Return and may be used only for that purpose.
- (a) This information is part of that which will enable Westinghouse to:
 - (i) Provide the NRC and customers with technical information on the on the Main Control Room Dose Evaluations.

- (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 providing more products and services.
 - (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 systems in commercial power reactors 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 and Copyright Notice
(2 pages including cover page)

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.