



Serial: NPD-NRC-2011-007
February 14, 2011

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
SUPPLEMENT 3 TO RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION LETTER
NO. 085 RELATED TO SEISMIC SYSTEM ANALYSIS**

- References:
1. Letter from Terri Spicher (NRC) to Garry Miller (PEF), dated March 16, 2010, "Request for Additional Information Letter No. 085 Related to SRP Section 3.7.2 for the Levy County Nuclear Plant, Units 1 and 2 Combined License Application"
 2. Letter from John Elnitsky (PEF) to U.S. Nuclear Regulatory Commission, dated July 23, 2010, "Response to Request for Additional Information Letter No. 085 Related to Seismic System Analysis", Serial: NPD-NRC-2010-063
 3. Letter from John Elnitsky (PEF) to U.S. Nuclear Regulatory Commission, dated November 10, 2010, "Supplement 1 to Response to Request for Additional Information Letter No. 085 Related to Seismic System Analysis", Serial: NPD-NRC-2010-086
 4. Letter from John Elnitsky (PEF) to U.S. Nuclear Regulatory Commission, dated January 25, 2011, "Supplement 2 to Response to Request for Additional Information Letter No. 085 Related to Seismic System Analysis", Serial: NPD-NRC-2011-005

Ladies and Gentlemen:

Progress Energy Florida, Inc. (PEF) hereby submits supplemental information related to the Nuclear Regulatory Commission's (NRC) request for additional information (RAI) provided in Reference 1 for the Levy Nuclear Plant Units 1 and 2 (LNP).

In Reference 4, PEF provided a summary of the methodology and results of a site specific 3-D Soil Structure Interaction (SSI) analysis of the LNP Nuclear Island and RCC Bridging Mat in response to NRC RAI 03.07.02-2. The SSI analysis is described in the Westinghouse proprietary report LNG-1000-S2R-804 entitled "Levy Nuclear Island and RCC Bridging Mat - 3D SASSI SSI Evaluation Report". The purpose of this letter is to submit the Levy SSI evaluation report.

Progress Energy Florida, Inc.
P.O. Box 14042
St. Petersburg, FL 33733

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Attachment 1 to this letter provides the Westinghouse proprietary report LNG-1000-S2R-804, Revision 2, entitled "Levy Nuclear Island and RCC Bridging Mat - 3D SASSI SSI Evaluation Report". This report contains information that is considered to be proprietary (i.e., trade secrets) to Westinghouse Electric Company, LLC (Westinghouse). Therefore, a Westinghouse authorization letter, including a supporting affidavit for withholding executed by Westinghouse is provided in Attachment 2. The affidavit sets forth the basis upon which Attachment 1 may be withheld from public disclosure by the NRC and addresses the considerations listed in paragraph (b)(4) of 10 CFR 2.390. Attachment 3 provides a non-proprietary version of the Levy SSI report (LNG-1000-S2R-804-NP, Revision 0).

Accordingly, it is requested that Attachment 1 of this letter, which is proprietary to Westinghouse, be withheld from public disclosure (i.e., non-publicly available) in accordance with 10 CFR 2.390.

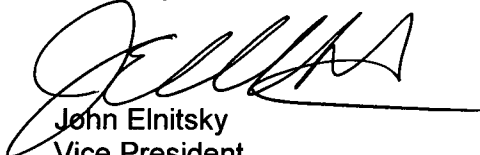
Correspondence with respect to the proprietary aspects of Attachment 1 and the supporting application for withholding or the affidavit (Attachment 2) should reference Westinghouse letter CAW-11-3071 and be addressed to R. F. Ziesing, Director, U.S. Licensing, 1000 Westinghouse Drive, Cranberry Township, PA 16066.

If you have any further questions, or need additional information, please contact Bob Kitchen at (919) 546-6992, or me at (727) 820-4481.

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

Executed on February 14, 2011.

Sincerely,



John Elnitsky
Vice President
New Generation Programs & Projects

Attachments

cc : U.S. NRC Region II, Regional Administrator (without attachments)
Mr. Brian C. Anderson, U.S. NRC Project Manager

Attachment 2

Westinghouse Application for Withholding Proprietary Information

And Accompanying Affidavit

[6 pages attached]



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Our ref: CAW-11-3071

February 10, 2011

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject Transmittal of LNG-1000-S2R-804 Rev. 2 & LNG1000-S2R-804-NP Rev. 0

The proprietary information for which withholding is being requested in the above-referenced letter is further identified in the affidavit signed by Westinghouse Electric Company LLC. The affidavit accompanying this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and address 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 Progress Energy.

Correspondence with respect to this Application for Withholding or the accompanying affidavits should reference CAW-11-3071 and should be addressed to R. F. Ziesing, Director, U.S. Licensing, 1000 Westinghouse Drive, Cranberry Township, PA 16066.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James W. Winters', written over a horizontal line.

James W. Winters
Manager, Passive Plant Technology

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

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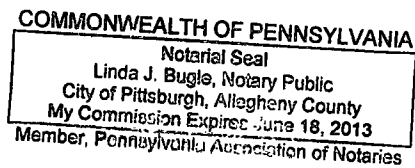
COUNTY OF BUTLER:

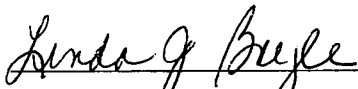
Before me, the undersigned authority, personally appeared James Winters, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



James W. Winters
Manager, Passive Plant Technology

Sworn to and subscribed
before me this 10th day
of February 2011.




Notary Public

- (1) I am Manager, Passive Plant Technology, 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" 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.

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.
- (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.
- (v) The proprietary information sought to be withheld from within the "Transmittal of LNG-1000-S2R-804 Rev. 2 & LNG1000-S2R-804-NP Rev. 0" (APC_LVG_000048) relates to an SSI (Soil Structure Interaction) Analysis for the Levy site and the creation of a Levy SSI Analysis Report.

The information requested to be withheld reveals details of the AP1000 design; timing and content of procurement; sequence and method of construction; and timing and content of inspection and testing. This information was developed and continues to be developed by Westinghouse. The information is part of that which enables Westinghouse to manufacture and deliver products to utilities based on proprietary designs.

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 commercial power reactors without commensurate expenses.

The information requested to be withheld 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.