Florida Power & Light, 9760 S.W. 344 St. Homestead, FL 33035

FPL.

JAN 3 1 2012

L-2012-034
10 CFR 50.90
10 CFR 2.390

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

Re: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
Response to NRC Instrumentation and Control Engineering Branch Request for Additional Information Regarding Extended Power Uprate License Amendment Request No. 205

References:

(1) M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2010-113), "License Amendment Request for Extended Power Uprate (LAR 205)," (TAC Nos. ME4907 and ME4908), Accession No. ML103560169, October 21, 2010.

(2) M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2011-005), "Response to NRC Request for Additional Information (RAI) Regarding Extended Power Uprate (EPU) License Amendment Request (LAR) No. 205 and Instrumentation & Control (I&C) Issues – Round 1," Accession No. ML110330190, January 28, 2011.

(3) M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2011-153), "Response to NRC Request for Additional Information Regarding Extended Power Uprate License Amendment Request No. 205 and Instrumentation and Controls Issues," Accession No. ML11115A113, April 22, 2011.

(4) M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2011-190), "Response to NRC Request for Additional Information Regarding Extended Power Uprate License Amendment Request No. 205 and Instrumentation and Controls Issues," Accession No. ML11174A165, June 21, 2011.

(5) M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2011-302), "Response to NRC RAI Regarding EPU LAR No. 205 and Technical Specification and Instrumentation and Control Issues," Accession No. ML11242A159, August 29, 2011.

(6) Technical Specification Task Force (TSTF) No. 493, Rev. 4, "Clarify Application of Setpoint Methodology for LSSS Functions," January 2010.

(7) WCAP-17070-P, Revision 1, "Westinghouse Setpoint Methodology for Protection Systems for Turkey Point Units 3 and 4 (Power Uprate to 2644 MWt – Core Power)," June 2011.

(8) Email from J. Paige (NRC) to S. Hale (FPL), "Questions Regarding Instrument Uncertainty," January 12, 2012.

(9) M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2012-033), "Response to NRC Instrumentation and Control Engineering Branch Request for Additional Information Regarding Extended Power Uprate License Amendment Request No. 205," January 19, 2012.

(10) Email from J. Paige (NRC) to S. Hale (FPL), "Instrumentation and Controls (EICB) Request for Additional Information," January 25, 2012.

A001
NRR

By letter L-2010-113 dated October 21, 2010 [Reference 1], Florida Power and Light Company (FPL) requested to amend Renewed Facility Operating Licenses DPR-31 and DPR-41 and revise the Turkey Point Units 3 and 4 (PTN) Technical Specifications (TS). The proposed amendment will increase each unit's licensed core power level from 2300 megawatts thermal (MWt) to 2644 MWt and revise the Renewed Facility Operating Licenses and TS to support operation at this increased core thermal power level. This represents an approximate increase of 15% and is therefore considered an extended power uprate (EPU).

FPL responded to several Requests for Additional Information (RAIs) from the U. S. Nuclear Regulatory Commission's (NRC) Instrumentation and Control Engineering Branch (EICB) [References 2, 3, 4, & 5] regarding PTN's site specific implementation of TSTF-493 Option A [Reference 6] via the setpoint methodology provided in WCAP-17070-P [Reference 7].

On January 12, 2012, the NRC Project Manager (PM) issued an RAI on behalf of the EICB staff via an email [Reference 8] consisting of two questions pertaining to the treatment of instrument uncertainty and the corrective action program. On January 19, 2012, FPL provided its response to the second RAI question on corrective action program applicability via letter L-2012-033 [Reference 9]. On January 25, 2012, following a telephone conference between NRC, FPL, and Westinghouse representatives, the NRC PM reissued the EICB RAI in which the language in the first RAI question was revised [Reference 10]. The NRC also indicated that FPL's earlier response to the second RAI question [Reference 9] needed some further clarification. FPL's responses to the RAI questions are presented in Attachments 1 and 2 to this letter.

Attachment 3 contains the application for withholding the proprietary information contained in Attachment 2 from public disclosure. As Attachment 2 contains information proprietary to Westinghouse Electric Company, LLC (Westinghouse), it is supported by an affidavit signed by Westinghouse, the owner of the information. The affidavit sets forth the basis for which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of §2.390 of the Commission's regulations. Accordingly, it is respectfully requested that information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations.

Correspondence with respect to the copyright or proprietary aspects of items in the response to the RAI questions in Attachment 2 of this letter or the supporting Westinghouse affidavit should reference CAW-11-3379 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, PA 16066.

In accordance with 10 CFR 50.91(b)(1), a copy of this letter is being forwarded to the State Designee of Florida.

This submittal does not alter the significant hazards consideration or environmental assessment previously submitted by FPL letter L-2010-113 [Reference 1].

This submittal contains no new commitments and no revisions to existing commitments.

Should you have any questions regarding this submittal, please contact Mr. Robert J. Tomonto, Licensing Manager, at (305) 246-7327.

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

Executed on January 31, 2012.

Very truly yours,

Michael Kiley
Site Vice President
Turkey Point Nuclear Plant

Attachments (3)

cc: USNRC Regional Administrator, Region II
USNRC Project Manager, Turkey Point Nuclear Plant
USNRC Resident Inspector, Turkey Point Nuclear Plant
Mr. W. A. Passetti, Florida Department of Health (w/o Attachment 2)

Turkey Point Units 3 and 4

RESPONSE TO NRC INSTRUMENTATION AND CONTROL ENGINEERING BRANCH REQUEST FOR ADDITIONAL INFORMATION REGARDING EXTENDED POWER UPRATE LICENSE AMENDMENT REQUEST NO. 205

ATTACHMENT 1

RAI RESPONSE
(Non-Proprietary)

Response to Request for Additional Information

The following information is provided by Florida Power and Light Company (FPL) in response to the U. S. Nuclear Regulatory Commission's (NRC) Request for Additional Information (RAI). This information was requested to support License Amendment Request (LAR) 205, Extended Power Uprate (EPU), for Turkey Point Nuclear Plant (PTN) Units 3 and 4 that was submitted to the NRC by FPL via letter (L-2010-113) dated October 21, 2010 [Reference 1].

FPL responded to several RAIs from the NRC's Instrumentation and Control Engineering Branch (EICB) [References 2, 3, 4, & 5] regarding PTN's site specific implementation of TSTF-493 Option A [Reference 6] via the setpoint methodology provided in WCAP-17070-P [Reference 7].

On January 12, 2012, the NRC Project Manager (PM) issued an RAI on behalf of the EICB staff via an email [Reference 8] consisting of two questions pertaining to the treatment of instrument uncertainty and the corrective action program. On January 19, 2012, FPL provided its response to the second RAI question on corrective action program applicability via letter L-2012-033 [Reference 9]. On January 25, 2012, following a telephone conference between NRC, FPL, and Westinghouse representatives, the NRC PM reissued the EICB RAI in which the language in the first RAI question was revised [Reference 10]. The NRC also indicated that FPL's earlier response to the second RAI question [Reference 9] needed some further clarification. FPL's responses to both RAI questions are presented in the non-proprietary attachment (Attachment 1) and in this proprietary attachment (Attachment 2) to this letter.

The affidavit that sets forth the basis for which the information may be withheld from public disclosure by the NRC in accordance with 10 CFR 2.390 is contained in Attachment 3. Proprietary information is contained within brackets and the basis for claiming the information as proprietary is indicated by means of lower case letters (a) - (f) located as a superscript immediately following the brackets enclosing each item of information identified as proprietary. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) - (4)(ii)(f) of the affidavit accompanying this submittal pursuant to 10 CFR 2.390(b)(1). In this attachment, the proprietary information has been deleted and only the brackets remain.

Question 1 **WCAP-17070-P, Rev. 1 (ML1174A168) submitted by Florida Power & Light Company (FPL) provided the Westinghouse Setpoint Methodology for Protection Systems Turkey Point Units 3 & 4 (Power Uprate to 2644 MWt – Core Power). Tables 3-1 through Table 3-11 (pages 19 to 44) of WCAP-17070-P, Rev. 1, lists uncertainty allowances for the parameters of the revised setpoints. Many of the uncertainty allowances have values of zero with little or no explanations. A few notes have been provided for some of the uncertainty allowances that are zero. Section 3.2 "Definitions for Protection System Setpoint Tolerances" of WCAP-17070-P defines "Normalization" to be a process for establishing a relationship between a process parameter and an instrument channel involving an indirect measurement. An example is provided for this definition which describes the process of determining steam mass flow by conducting a mass balance for feed water flow and steam flow using the relationships of the known feed water venturi differential pressure, feed water temperature and pressure parameters for feed water flow, and the assumption that the pounds mass of steam flow must be the same as the feed water mass flow assuming no losses. However, the notes for some other reactor protection**

channel parameter uncertainties uses the term "normalized" without providing further explanation as to how this normalization process is accomplished. The NRC staff requests the licensee to provide an explanation justifying any reductions in magnitude or new ways of applying uncertainty allowance values that are included within the determination of Channel Statistical Allowance (CSA) and include a detailed explanation as to how the effects of those uncertainties have been accounted for, and provide detailed explanations and justifications for all uncertainty allowances listed with a value of zero.

The following explanation is provided for Tables 3-1 to 3-11 of WCAP-17070-P Revision 1 to address NRC RAI Question 1. For all calculations that appear in the WCAP, [

]^{a,c} There is an instance where calculation methods or assumptions deviate from standard Westinghouse methods and the justification is noted below for seismic allowances.

Relative to the designation of terms as "0" in the WCAP Tables, Westinghouse uses the approach as defined in Section 3.1, on page 12. As noted in the last sentence, parameters that are reported as "0" or "---" in the tables are not applicable (i.e., have no value) for that channel.

The following explanations are provided for those terms that appear as zero in the above referenced tables.

Table 3-1 Power Range NIS

The NIS power range channel is [

]$^{a\,c}$ the following terms are zero magnitude for this calculation:

- [
-
-

]^{a,c}

- [

-]a,c

The following terms are zero magnitude in this calculation [
]a,c

- [
-

]a,c

Table 3-2 OTΔT, Table 3-3 OPΔT

Refer to Tables 3-13 and 3-14 for the OTΔT and OPΔT functions equation:

The OTΔT and OPΔT functions are [

]a,c

[

-
-
-
-
-
-]a,c

Other terms that are zero in the calculations are:

- [

-

-

]^{a,c}

- Seismic effect on the pressurizer pressure transmitter; this effect is not included as the transmitter manufacturer has done testing of its transmitters. Safe Shutdown Earthquake (SSE) testing was done with a minimum Zero Period Acceleration (ZPA) of 7.20g which is in excess of the required generic response spectrum for United States nuclear plants. The testing for an Operating Basis Earthquake (OBE) showed that the testing started at a level of 0.5g. The seismic shift for the SSE (7.20g) was determined to be a maximum of 0.5% of span. This shift was determined after the instrument was subjected to five OBE simulations and a SSE simulation. The Turkey Point design basis SSE (0.15g) is below the minimum threshold of the transmitter manufacturer's test data for design basis earthquakes. The effect of Turkey Point's 0.15g design basis SSE on the transmitter is insignificant compared with the transmitter manufacturer posted 0.5% effect at the applied test value of 7.20g. Turkey Point's very low seismic acceleration would have a negligible impact on the instrument loop uncertainty calculation. [

-

]^{a,c}

Consistent with the Technical Specification Table 4.3-1 requirements, monitoring of the OTΔT and OPΔT readings and channel deviation is performed on a shift basis by the Reactor Operators as a part of their daily log checks and readings. On a quarterly basis, I&C maintenance performs procedurally-based surveillances of T_{AVG}, ΔT, OTΔT and OPΔT setpoints. On a refueling outage interval, I&C maintenance performs steps necessary for channel calibrations of T_{AVG}, ΔT, OTΔT, OPΔT, wide range T_{HOT} and T_{COLD} parameters.

Table 3-4, High Steam Flow

[

]^{a,c}

[

]a,c

Table 3-5, Steam Flow/Feedwater Flow Mismatch

[

]a,c

Table 3-6, Steam Generator low, low-low, Table 3-7, Steam Generator high-high

For these functions the following terms are zero magnitude:

- [

  ]a,c

- EA, Environment allowance; the Nominal Trip Setpoint was determined in a manner that does not address a harsh environment. Thus, EA is set to zero. The basis for this determination is through addressing the Loss of Normal Feedwater and Main Steam Line Breaks outside containment. The feedwater line break event is addressed through the FPL response to NRC RAI on feedwater line break event (Reference 12) and draft NRC safety evaluation report for the Turkey Point EPU (Reference 13). In this response in the event that the low-low SG level function does not actuate due to a harsh environment, the containment pressure high setpoint provides adequate protection for a large feedwater line break event, therefore, the EA term is not included in this function.
- [

  ]a,c

- Seismic bias; this effect is not included as the transmitter manufacturer has done testing of its transmitters. SSE testing was done with a minimum ZPA of 7.20g which is in excess of the required generic response spectrum for United States nuclear plants. The testing for an OBE showed that the testing started at a level of 0.5g. The seismic shift for the SSE (7.20g) was determined to be a maximum of 0.5% of span. This shift was determined after the instrument was subjected to five OBE simulations and a SSE simulation. The Turkey Point design basis SSE (0.15g) is below the minimum threshold of the transmitter manufacturer's test data for design basis earthquakes. The effect of Turkey Point's 0.15g design basis SSE on the transmitter is insignificant compared with the transmitter manufacturer posted 0.5% effect at the applied test value of 7.20g. Turkey Point's very low seismic acceleration would have a negligible impact on the instrument

loop uncertainty calculation. [

]^{a,c}

Tables 3-8, 3-9 Steamline Pressure Low SI

Terms that have zero magnitude in this calculation are:

- [
-
-

]^{a,c}

- Seismic effect on the steamline pressure transmitter; this effect is not included as the transmitter manufacturer has done testing of its transmitters. SSE testing was done with a minimum ZPA of 7.20g which is in excess of the required generic response spectrum for United States nuclear plants. The testing for an OBE showed that the testing started at a level of 0.5g. The seismic shift for the SSE (7.20g) was determined to be a maximum of 0.5% of span. This shift was determined after the instrument was subjected to five OBE simulations and a SSE simulation. The Turkey Point design basis SSE (0.15g) is below the minimum threshold of the transmitter manufacturer's test data for design basis earthquakes. The effect of Turkey Point's 0.15g design basis SSE on the transmitter is insignificant compared with the transmitter manufacturer posted 0.5% effect at the applied test value of 7.20g. Turkey Point's very low seismic acceleration would have a negligible impact on the instrument loop uncertainty calculation. [
-

]^{a,c}

Table 3-11, Emergency Trip Header Pressure

This function uses a pressure switch that provides the trip signal directly to the trip logic, i.e., without being processed through the protection racks. For this reason, [

]^{a,c} terms that are zero-magnitude are:

- [

-

]^{a,c}

Question 2 **For the proposed limiting safety system setting setpoint changes with TSTF-493 Option A, the licensee commits to apply the two Technical Specification table footnotes applicable to performance monitoring. Adherence to TSTF-493 requires that the licensee maintain a corrective action program (CAP) when the setpoints are found outside the allowable limits. The licensees are expected to have administrative controls or a corrective action program in place for other reactor protection system (RPS) and engineered safety feature actuation system (ESFAS) setpoints (Setpoints that are not covered by TSTF-493, Option A) to track instrument performance in support of 10 CFR 50.36(c)(1)(ii)(A). Staff expects that the licensee is maintaining the TSTF-493, Option A CAP as well as the original performance monitoring program for all other RPS and ESFAS setpoints. Please confirm that FPL is maintaining these programs.**

I&C maintenance surveillance procedures for Turkey Point RPS and ESFAS setpoints that are not modified to support the Turkey Point EPU are aligned with the expectations of TSTF-493, Revision 4 (Reference 6). These procedures require verification that the as-found settings are within their allowable tolerances with the normal practice being to reset the instrument setpoint to the Nominal Trip Setpoint (NTSP) if the as-found setpoint value is greater than half of the margin between the NTSP and Allowable Value. TSTF-493, Revision 4 does not require readjustment of an as-found setpoint unless it is outside of the allowable tolerance band.

References

1. M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2010-113), "License Amendment Request for Extended Power Uprate (LAR 205)," (TAC Nos. ME4907 and ME4908), Accession No. ML103560169, October 21, 2010.
2. M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2011-005), "Response to NRC Request for Additional Information (RAI) Regarding Extended Power Uprate (EPU) License Amendment Request (LAR) No. 205 and Instrumentation & Control (I&C) Issues – Round 1," Accession No. ML110330190, January 28, 2011.
3. M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2011-153), "Response to NRC Request for Additional Information Regarding Extended Power Uprate License Amendment Request No. 205 and Instrumentation and Controls Issues," Accession No. ML11115A113, April 22, 2011.

4. M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2011-190), "Response to NRC Request for Additional Information Regarding Extended Power Uprate License Amendment Request No. 205 and Instrumentation and Controls Issues," Accession No. ML11174A165, June 21, 2011.
5. M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2011-302), "Response to NRC RAI Regarding EPU LAR No. 205 and Technical Specification and Instrumentation and Control Issues," Accession No. ML11242A159, August 29, 2011.
6. Technical Specification Task Force (TSTF) No. 493, Rev. 4, "Clarify Application of Setpoint Methodology for LSSS Functions," January 2010.
7. WCAP-17070-P, Revision 1, "Westinghouse Setpoint Methodology for Protection Systems for Turkey Point Units 3 and 4 (Power Uprate to 2644 MWt – Core Power)," June 2011.
8. Email from J. Paige (NRC) to S. Hale (FPL), "Questions Regarding Instrument Uncertainty," January 12, 2012.
9. M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2012-033), "Response to NRC Instrumentation and Control Engineering Branch Request for Additional Information Regarding Extended Power Uprate License Amendment Request No. 205," January 19, 2012.
10. Email from J. Paige (NRC) to S. Hale (FPL), "Instrumentation and Controls (EICB) Request for Additional Information," January 25, 2012.
11. Rosemount Test Report No. 78212, Revision A, "Internal Thermal Response of Transmitter Housings to Steam Impingement, Rosemount Models 1153 Series B and D," September 14, 1982.
12. M. Kiley (FPL) to U.S. Nuclear Regulatory Commission (L-2011-438), "Response to NRC Reactor Systems Branch Request for Additional Information Regarding Extended Power Uprate License Amendment Request No. 205," October 15, 2011.
13. Draft Safety Evaluation Report for the Turkey Point Unit 3 & 4 Extended Power Uprate, November 2011.

Turkey Point Units 3 and 4

RESPONSE TO NRC INSTRUMENTATION AND CONTROL ENGINEERING BRANCH
REQUEST FOR ADDITIONAL INFORMATION REGARDING
EXTENDED POWER UPRATE LICENSE AMENDMENT REQUEST NO. 205

ATTACHMENT 3

Westinghouse Affidavit CAW-12-3379 for Attachment 2

This coversheet plus 7 pages

Westinghouse Electric Company
Nuclear Services
1000 Westinghouse Drive
Cranberry Township, Pennsylvania 16066
USA

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Rockville, MD 20852

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e-mail: greshaja@westinghouse.com
Proj letter: FPL-12-34

CAW-12-3379

January 26, 2012

APPLICATION FOR WITHHOLDING PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE

Subject: FPL-12-34 P-Attachment, "Turkey Point Units 3 and 4 – Response to NRC Request for Additional Information from I&C Branch on Protection System Setpoints for Extended Power Uprate (EPU) License Amendment Request (LAR) No. 205 (TAC Nos. ME 4907 and ME 4908)" (Proprietary)

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-12-3379 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 Florida Power and Light.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-12-3379, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

Very truly yours,

R. M. Gresham /FOR

J. A. Gresham, Manager
Regulatory Compliance

Enclosures

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared T. Rodack, 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:

T. Rodack, Director
Licensing and Engineering Programs

Sworn to and subscribed before me
this 26th day of January 2012

Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cynthia Olesky, Notary Public
Manor Boro, Westmoreland County
My Commission Expires July 16, 2014
Member. Pennsylvania Association of Notaries

(1) I am Director, Licensing and Engineering Programs, in Nuclear Fuel, 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 constitutes Westinghouse policy and provides 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 in this submittal is that which is appropriately marked in FPL-12-34 P-Attachment, "Turkey Point Units 3 and 4 – Response to NRC Request for Additional Information from I&C Branch on Protection System Setpoints for Extended Power Uprate (EPU) License Amendment Request (LAR) No. 205 (TAC Nos. ME 4907 and ME 4908)" (Proprietary), for submittal to the Commission, being transmitted by Florida Power and Light letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse for use by Turkey Point Units 3 and 4 is expected to be applicable for other licensee submittals in response to certain NRC requirements for Extended Power Uprate (EPU) submittals and may be used only for that purpose.

This information is part of that which will enable Westinghouse to:

(a) Provide input to the U.S. Nuclear Regulatory Commission for review of the Turkey Point Extended Power Uprate (EPU) submittals.

(b) Provide additional information related to instrument uncertainties.

(c) Provide licensing support for customer submittal.

Further this information has substantial commercial value as follows:

(a) Westinghouse plans to sell the use of this information to its customers for purposes of meeting NRC requirements for licensing documentation.

(b) Westinghouse can sell support and defense of the technology to its customer in the licensing process.

(c) 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 calculations 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

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).

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