



L-2012-420
10 CFR 52.3
10 CFR 2.390
10 CFR 50.71(e)
10 CFR 52 Appendix D

December 14, 2012

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

Re: Florida Power & Light Company
Proposed Turkey Point Units 6 and 7
Docket Nos. 52-040 and 52-041
Combined License Application Submittal 11
Submittal of the Annual Update of the COL Application - Revision 4
and the Semi-Annual Update of the Departures Report

References:

1. FPL Letter L-2009-144 to NRC, dated June 30, 2009, Application for Combined License for Turkey Point Units 6 and 7
2. FPL Letter L-2011-529 to NRC, dated December 16, 2011, Combined License Application Submittal 9 - Submittal of the Annual Update of the COL Application - Revision 3 and the Semi-Annual Update of the Departures Report
3. FPL Letter L-2011-530 to NRC dated December 16, 2011, Combined License Application Submittal 10 - Part 8 Safeguards/Security Plans - Revision 3
4. NRC Letter to FPL dated May 4, 2012, Turkey Point Units 6 and 7 Combined License Application Review Schedule

Florida Power & Light Company (FPL) submitted a Combined License (COL) Application for two AP1000 pressurized water reactor units to be located at the Turkey Point site, designated Turkey Point Units 6 and 7 (PTN 6 & 7), located in Miami-Dade County, FL on June 30, 2009 (Reference 1). FPL submitted the Revision 3 annual update to the PTN 6 & 7 COL Application on December 16, 2011 (References 2 and 3).

This letter provides Revision 4 to the PTN 6 & 7 COL Application. The updates provided with this letter include the submittal of the annual update of the docketed Final Safety Analysis Report (FSAR) and the semi-annual update of the Departures Report (COL Application, Part 2 and Part 7, respectively) as required by 10 CFR 50.71(e)(3)(iii) and 10 CFR Part 52, Appendix D, subsection X.B, respectively. Additionally, Parts 1, 3, 4, 5, 9, 10, and 11 of the PTN 6 & 7 COL Application are also updated with Revision 4.

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NRC

COLA Part 9 of Enclosure 3 contains information requested to be withheld from disclosure under 10 CFR 2.390

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Revision 4 incorporates changes identified by previous FPL correspondence, including responses to requests for additional information (RAI), conforming changes to the FSAR, miscellaneous errata items, standard, and plant specific changes identified since the Revision 3 submittal. Revisions to the COL Application are identified by revision bars in the right margin for text and tables and by the revision number only for figures.

A supplement to Revision 4 of the COL Application, Part 2, FSAR, Sections 2.5.1 – 2.5.5 will be submitted after a review of the revised RAI responses, as requested in the NRC letter dated May 4, 2012 (Reference 4).

This PTN 6 & 7 COL Application update contains no Restricted Data or other defense information requiring separation in accordance with 10 CFR 50.33(j).

COL Application Part 9, Enclosures 1 and 2, the State of Florida Radiological emergency plan annex and appendix II the Turkey Point annex have been relocated to COL Application Part 5 and are no longer designated as *Sensitive-Federal, State, Foreign Government, and International Agency Controlled* documents. This is consistent with a request by NRC, although it is a change from the previous NRC direction provided in a February 10, 2009 letter to the Nuclear Energy Institute regarding Update of NRC Guidance on Electronic Application Submittals. COL Application Part 9, Enclosures 3 and 4 contain local radiological emergency plans designated as *Sensitive-Federal, State, Foreign Government, and International Agency Controlled*. COL Application Part 9, Enclosure 5, FPL PTN 6 & 7 Cyber Security Plan (CSP), Revision 1, and COL Application Part 9 Enclosure 6, FPL PTN 6 & 7 Mitigative Strategies Description and Plans Required by 10 CFR 52.80(d), Revision 1, are designated as Security-Related Information. Accordingly, FPL requests that the Part 9 Enclosures 3, 4, 5, and 6 be withheld from public disclosure under 10 CFR 2.390.

COL Application Part 9, Enclosure 7, AP1000 Turkey Point Site Specific Seismic Evaluation Report, TPG-1000-S2R-802, Revision 4, contains Westinghouse Proprietary Class 2 information. The Westinghouse proprietary information for which withholding is being requested is further identified in the affidavit signed by Westinghouse Electric Company LLC. The Westinghouse affidavit accompanying this letter (Enclosure 2), 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 10 CFR 2.390(b)(4). Correspondence with respect to the proprietary aspects of this application for withholding or the accompanying affidavit should reference CAW-12-3459 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066. Based on Enclosure 2 to this letter, FPL requests that Part 9, Enclosure 7 be withheld from public disclosure under 10 CFR 2.390(a)(4).

Consistent with common licensing practice and the original FPL COL Application, most of the updated application text is written in the present tense, active voice, including discussions of facilities and programs not yet built or implemented. Exceptions to this approach are the discussions of operating experience, completed studies, and evaluations, which are written in the past tense. It should be understood, however, that

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statements regarding facilities (e.g., structures, systems, and components) and pre-construction, pre-operational, and operational activities (e.g., procedures and programs) typically address facilities and activities that have not yet been built or performed and will not be built or performed until it is reasonable and appropriate to do so.

Enclosure 1 of this letter provides a Revision 4 summary for each Part of the COL Application. A roadmap document identifying each change and basis is being prepared as an aid to the NRC reviewers and will be submitted in January 2013.

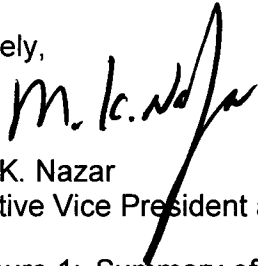
The enclosed optical storage media (OSM), Enclosure 3 of this letter, includes electronic copies of the sensitive version of the COL Application Revision 4 including Part 9, Withheld Information. Pre-submission checks have been successfully performed on the OSMs to validate and verify compliance with NRC guidelines for electronic submittals. Each OSM includes a "packing slip" describing its contents, pursuant to NRC instructions for electronic filing.

If you have any questions, or need additional information, please contact William Maher, Senior Licensing Director - New Nuclear Projects, at 561-691-7490.

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

Executed on December 14, 2012.

Sincerely,



Mano K. Nazar
Executive Vice President and Chief Nuclear Officer

- Enclosure 1: Summary of COL Application Revision 4 Changes
- Enclosure 2: Westinghouse Application for Withholding Proprietary Information from Public Disclosure Affidavit Pursuant to 10 CFR 2.390(a)(4)
- Enclosure 3: Turkey Point Units 6 and 7 COL Application, Revision 4, Submittal 11 Sensitive Version, (3 OSMs)

cc: w/o Enclosure 3

PTN 6 & 7 Project Manager, AP1000 Projects Branch 1, USNRC DNRL/NRO
PTN 6 & 7 Environmental Project Manager, USNRC DSER/NRO
Regional Administrator, Region II, USNRC
Senior Resident Inspector, USNRC, Turkey Point Plant 3 & 4

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Enclosure 1

Summary of COL Application Revision 4 Changes

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The PTN 6 & 7 COL Application Revision 4 is composed of 11 Parts identified below. The revisions to the PTN 6 & 7 COL Application include: changes to standard content, updated supplemental information, miscellaneous errata items; and plant-specific changes. General plant specific updates to various COL Application Parts include decommissioning cost updates, construction cost and schedule updates, GIS figure updates and corrections, plant property/site boundary updates, conforming changes for DCD Revision 19, updates for 2010 census data. The letter references for the eRAI responses incorporated into COL Application Revision 4 will be provided in the COL Application Revision 4 roadmap submittal.

Part 1 General and Financial Information

The Part 1 update includes voluntary and supplemental information and other changes including:

- Conforming change to updated names and titles of NextEra Energy, Inc and FPL officers and directors
- Conforming changes to financial qualifications in responses to eRAI 6367
- Updated decommissioning cost estimate and decommissioning funding using formulas in NUREG-1307, Revision 14
- Conforming changes to references in section 1.6
- Errata and conforming changes

Part 2 Final Safety Analysis Report (FSAR)

The Part 2 update includes changes identified by previous correspondence and other changes including:

- Chapter 1 conforming changes to departure summary and COL Information summary, AP1000 Plant Interfaces summary, Tables 1.8-201, 1.8-202, and 1.8-203 summaries
- Chapter 2 changes to Appendix 2CC resulting from a revision to the groundwater model report
- Chapter 3 minor conforming changes to Appendix 3KK, Westinghouse Non-Proprietary Version Appendix 3KK, AP1000 Turkey Point Site Specific Seismic Evaluation Report, TPG-1000-S2R-807, Revision 1
- Updated for RAI responses to eRAI 5653, eRAI 5695, eRAI 5860, eRAI 5875, eRAI 5896, eRAI 5993, eRAI 5995, eRAI 6006, eRAI 6024, eRAI 6077, eRAI 6079, eRAI 6176, eRAI 6225, eRAI 6251, eRAI 6258, eRAI 6265, eRAI 6279, eRAI 6296, eRAI 6297, eRAI 6340, eRAI 6346, eRAI 6354, eRAI 6432, eRAI 6433, eRAI 6434, and eRAI 6544
- Errata and conforming changes
- Chapters 4, 5, 7, 10, 12, 15, and 16 have no changes in COLA Revision 4
- Chapter 14 has one typographical correction and no technical changes

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Part 3 Environmental Report

The Part 3 update includes voluntary and supplemental information and other changes including:

- Updates Reconciling GW Flow Model and Data Changes
- Ecological information updates
- Updated for RAI responses to eRAI 5765, eRAI 5766, eRAI 6340, and eRAI 6354
- Errata and conforming changes
- Chapter 8 has no changes in COLA Revision 4

Part 4 Technical Specifications

The Part 4 update includes voluntary and supplemental information and other changes including:

- Conforming changes for Generic Standard Technical Specifications and Bases, Revision 4
- Errata and conforming changes

Part 5 Emergency Plan

The Part 5 update includes voluntary and supplemental information and other changes including:

- Updated Evacuation Time Estimate (ETE), Revision 3, resulting from both 2010 census data and the recent NRC Emergency Planning rule change
- Relocated State of Florida REMP and PTN Annex from Part 9, Withheld Information to COL Application Part 5
- Updated for RAI response to eRAI 6176
- Updated Turkey Point Plant Radiological Emergency Plan, Revision 4 resulting from both 2010 census data and portions of the recent NRC Emergency Planning rule change
- Errata and conforming changes

Part 6 Limited Work Authorization

Part 6 was deleted in COL Application Revision 1

- No changes

Part 7 Departures and Exemption Requests

The Part 7 update includes voluntary and supplemental information and other changes including:

- Updated for RAI responses to eRAI 6258 and eRAI 6290
- Errata and conforming changes

COLA Part 9 of Enclosure 3 contains information requested to be withheld from disclosure under 10 CFR 2.390

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Part 8 Safeguards/Security Plans

Part 8 No changes

Part 9 Withheld Information

The Part 9 update includes voluntary and supplemental information and other changes to the Enclosures including:

- Relocated Enclosures 1 and 2 related to the State of Florida REMP to COL Application Part 5
- Updated Enclosures 3 and 4 to current revisions of the county emergency response plans for Miami-Dade County and Monroe County, Florida
- Revised Enclosure 7, AP1000 Turkey Point Site Specific Seismic Evaluation Report, TPG-1000-S2R-802, Revision 4 (Westinghouse Proprietary Class 2)
- Errata and conforming changes

Part 10 Proposed License Conditions (including inspections, tests, analyses, and acceptance criteria [ITAAC])

The Part 10 update includes voluntary and supplemental information and other changes including:

- Updated for RAI responses to eRAI 6290 and eRAI 6434
- Errata and conforming changes

Part 11 Enclosures

The Part 11 update includes voluntary and supplemental information and other changes including:

- Updated Enclosure 1, FPL New Nuclear Projects Quality Assurance Program Description, FPL-2, Revision 3

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Enclosure 2

Westinghouse Application for
Withholding Proprietary Information from Public Disclosure Affidavit pursuant to 10 CFR
2.390(a)(4)

PTN 6 & 7 COL Application Enclosure 7 of COL Application Part 9
AP1000 Turkey Point Site Specific Seismic Evaluation Report, TPG-1000-S2R-802,
Revision 4, contains Westinghouse Proprietary Class 2 information.

The Westinghouse proprietary information for which withholding is being requested is further identified in the affidavit signed by Westinghouse Electric Company LLC. The Westinghouse affidavit 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 10 CFR 2.390(b)(4).

Correspondence with respect to the proprietary aspects of this application for withholding or the accompanying affidavit should reference CAW-12-3459 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company LLC, Suite 428, 1000 Westinghouse Drive, Cranberry Township, Pennsylvania 16066.

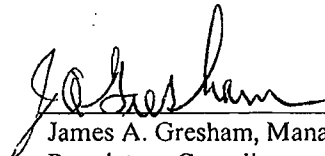
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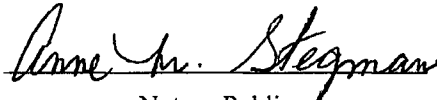
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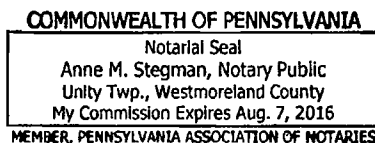
COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared **James A. Gresham**, 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 A. Gresham, Manager
Regulatory Compliance

Sworn to and subscribed
before me this 30th day
of August 2012.


Notary Public



- (1) I am Manager, Regulatory Compliance, 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 Turkey Point Site Specific Evaluation Report, TPG-1000-S2R-802, Rev. 4 (Proprietary) (APC_TPG_000041), for submittal to the Commission, being transmitted by Florida Power and Light Company 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 Transmittal of Turkey Point Site Specific Evaluation Report, TPG-1000-S2R-802, Rev. 4, and may be used only for that purpose.

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.

Further the deponent sayeth not.

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Enclosure 3

Turkey Point Units 6 and 7

COL Application

Revision 4

Submittal 11

Sensitive Version

(3 OSMs)

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COL Application
Revision 4**

**Sensitive Version
Submittal 11**



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**Disc 2 of 3
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**Turkey Point Units 6 & 7
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**Sensitive Version
Submittal 11**



**Disc 3 of 3
December 2012**

