



L-2013-312
10 CFR 52.3
10 CFR 2.390
10 CFR 50.71(e)
10 CFR 52 Appendix D

December 16, 2013

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 12
Submittal of the Annual Update of the COL Application - Revision 5
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-2012-420 to NRC, dated December 14, 2012, 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
3. FPL Letter L-2013-186 to NRC Dated June 14, 2013, Submittal of AP1000 Combined License Application Semi-Annual Departure Report
4. NRC Letter to FPL dated May 4, 2012, Turkey Point Nuclear Plant 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). The COL Application incorporates by reference the Westinghouse AP1000 Certified Design as described in the AP1000 Design Control Document, Revision 19. The COL Application includes NRC approved standard content based on the AP1000 Design Centered Working Group Reference COL Application (RCOLA) approved in the Southern Nuclear Operating Company, Inc. (SNC) COL for the Vogtle Electric Generating Plant Units 3 and 4 issued on February 12, 2012. FPL submitted the Revision 4 annual update to the PTN 6 & 7 COL Application on December 14, 2012 (Reference 2). FPL submitted the most recent semi-annual update to the departures report on June 14, 2013 (Reference 3).

This letter provides Revision 5 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

Florida Power & Light Company

700 Universe Boulevard, Juno Beach, FL 33408

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(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 included in the update with Revision 5.

In October, 2013, FPL completed supplemental site borings undertaken to address concerns noted in NRC letter dated May 4, 2012 (Reference 4). The results of this work will support revisions to the requests for additional information (RAI) responses for the COL Application Part 2, FSAR, Subsection 2.5.4. In addition, the results may indirectly impact other RAI responses related to FSAR, Subsections 2.5.1, 2.5.2, 2.5.3 and 3.7. The testing and analysis are currently ongoing. Currently, FPL anticipates the Field Investigation Report to be complete in January, 2014. The completed analysis will support revised RAI responses with the final revised responses being issued to the NRC by the end of April, 2014. FPL will continue to keep the NRC project manager informed of our progress.

Revision 5 incorporates changes identified by previous FPL correspondence, including responses to RAIs, conforming changes to the FSAR, miscellaneous errata items, standard, and plant specific changes identified since the Revision 4 submittal. Global changes to the format of the references cited throughout the application reference sections were made for consistency. 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.

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, 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 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 5 dated January 2013, 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-13-3601 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

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approach are the discussions of operating experience, completed studies, and evaluations, which are written in the past tense. It should be understood, however, that 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 5 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 2014.

Enclosure 2, the Westinghouse affidavit accompanying this letter, sets forth the basis on which the information in the Westinghouse report TPG-1000-S2R-802, Revision 5, may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in 10 CFR 2.390(b)(4).

Enclosure 3, optical storage media (OSM), includes electronic copies of the sensitive version of the COL Application Revision 5 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 16, 2013

Sincerely,


Mano K. Nazar
Executive Vice President and Chief Nuclear Officer

MKN/GRM

- Enclosure 1: Summary of COL Application Revision 5 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 5, Submittal 12 Sensitive Version, (3 OSMs) (Contain 10 CFR 2.390 Information)

cc: w/o Enclosure 3 OSMs

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

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

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Enclosure 1

Summary of COL Application Revision 5 Changes

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The PTN 6 & 7 COL Application Revision 5 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. Global changes to the format of the references cited throughout the application reference sections were made for consistency. General plant specific updates to various COL Application Parts include decommissioning cost updates, GIS figure updates and corrections, plant facility updates and updates for Exploratory Well 1 (EW-1). The letter references for the eRAI responses incorporated into COL Application Revision 5 will be provided in the COL Application Revision 5 roadmap submittal.

Part 1 General and Financial Information

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

- Updated names and titles of NextEra Energy, Inc. and FPL officers and directors
- Updated decommissioning cost estimate and decommissioning funding using formulas in NUREG-1307, Revision 15
- 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 resulting from the relocation of the reclaimed water treatment facility, information obtained from the exploratory well EW-1 construction report, revisions to the groundwater flow and transport model used as input to FSAR Subsection 2.4.13
- Replaced Appendix 3KK, Westinghouse Non-Proprietary Version Appendix 3KK, AP1000 Turkey Point Site Specific Seismic Evaluation Report, TPG-1000-S2R-807, Revision 2
- Conforming changes to Chapter 3 based on FPL submittal regarding missiles generated by events near the site
- Updated Chapter 9 to incorporate the AP1000 generic implementation plan for the Fukushima Near-Term Task Force Recommendations for the spent fuel pool instrumentation
- Updated Chapter 10 to provide clarification of the planned operation of the condenser water box drain portion of the circulating water system
- Updated for changes to PTN DEP 2.0-3 for noncoincident ambient wet bulb temperature and to provide consistency with the DCD and V.C. Summer Units 2 & 3 information

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- Chapter 11 changes to the gaseous waste management system to remove inconsistencies
- Updated for responses to eRAIs 5653, 5875, 5896, 6006, 6020, 6024, 6225, 6432, 6434, 6905, 6917, 6918, 6985 (partial), 7080, 7097, 7103, 7104, and 7112
- Chapters 4, 12, 15, 16, 17, 18, and 19 have no changes in COLA Revision 5

Part 3 Environmental Report

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

- Updated Chapter 1 Table 1.2-1, Authorizations for Turkey Point Units 6 & 7
- Updated decommissioning cost estimate and decommissioning funding using formulas in NUREG-1307, Revision 15
- Updated for relocation of the reclaimed water treatment facility
- Updated for relocation of Subsection 3.9.1.7 preconstruction power block earthwork activities to Subsection 3.9.2.1
- Updated for response to eRAI 6985 (partial)
- Errata and conforming changes
- Chapters 6, 7, 8, and 10 have no changes in COLA Revision 5

Part 4 Technical Specifications

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

- Updates due to the relocation of reclaimed water treatment facility

Part 5 Emergency Plan

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

- Updates due to relocation of the reclaimed water treatment facility
- Errata and conforming changes
- Updated Emergency Planning Letters of Agreement

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 changes to PTN DEP 2.0-3, Maximum Safety Wet Bulb (noncoincident) Air Temperature

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- Updated for RAI responses to eRAI 5653, eRAI 6434, and eRAI 6985 (partial)
- Errata and conforming changes

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:

- Enclosure 7 updated Appendix 3KK for response to eRAI 6432
- 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 response to eRAI 6434
- Errata and conforming changes

Part 11 Enclosures

- Part 11 No changes

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Enclosure 2

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

CAW-13-3601

(7 Total Pages)

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 5, 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-13-3601 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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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 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.

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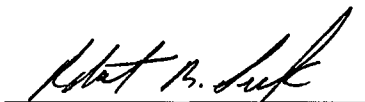
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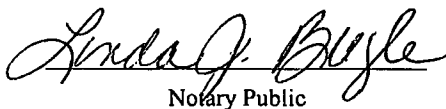
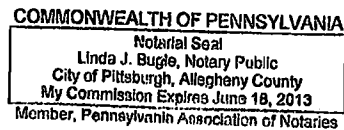
COUNTY OF BUTLER:

Before me, the undersigned authority, personally appeared **Robert B. Sisk**, 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:



Robert B. Sisk
Program Manager Korea/UAE

Sworn to and subscribed
before me this 5th day
of February 2013.


Notary Public

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- (1) I am Program Manager Korea/UAE, 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.

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- (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

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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. 5 (Proprietary) (APC_TPG_000045), 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. 5, 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.

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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 5

Submittal 12

Sensitive Version

(3 OSMs)

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

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