



L-2015-269
10 CFR 52.3

October 29, 2015

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
Supplemental Response to NRC Request for Additional Information Letter No. 058 (eRAI 6434) Standard Review Plan Section 01.05 – Other Regulatory Considerations

References:

1. NRC Letter to FPL dated May 1, 2012, Request for Additional Information Letter No. 58 Concerning Implementation of Fukushima Near-Term Task Force Recommendations for the Turkey Point Units 6 and 7 Combined License Application
2. FPL Letter L-2012-236 to NRC dated May 31, 2012, Schedule for Response to NRC Request for Additional Information Letter No. 58 (eRAI 6434) - Concerning Implementation of Fukushima Near-Term Task Force Recommendations
3. FPL Letter L-2012-268 to NRC dated June 29, 2012, Response to NRC Request for Additional Information Letter No. 58 (eRAI 6434) - Concerning Implementation of Fukushima Near-Term Task Force Recommendations
4. Duke Energy Florida Letter NPD-NRC-2015-016 to NRC dated April 22, 2015, Supplement 9 to Response to NRC RAI Letter 108 – Implementation of Fukushima Near-Term Task Force Recommendations
5. Duke Energy Carolinas, LLC Letter WLF2015.05.01 to NRC dated May 7, 2015, Supplemental Response to Request for Additional Information Letter No. 105 Concerning Implementation of Fukushima Near-Term Task Force Recommendations (eRAI 6419)

Florida Power & Light Company (FPL) provides, as Enclosure 1 to this letter, its supplemental response to the Nuclear Regulatory Commission (NRC) request for additional information (RAI) No. 01.05-2 provided in NRC Letter to FPL dated May 1, 2012 (Reference 1). The RAI response was originally provided in FPL Letter dated June 29, 2012 (Reference 3) in accordance with the schedule provided in FPL Letter dated May 31, 2012 (Reference 2). FPL modeled the supplemental RAI response provided by this letter after the supplemental responses provided by Duke Energy Florida Letter to NRC dated April 22, 2015 (Reference 4) and the Duke Energy Carolinas, LLC Letter to NRC dated May 7, 2015 (Reference 5).

Florida Power & Light Company

700 Universe Boulevard, Juno Beach, FL 33408

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NRD

Enclosure 3 contains Westinghouse proprietary and SRI 2.390 Information to be withheld from disclosure under 10 CFR 2.390 when separated this page is decontrolled

Proposed Turkey Point Units 6 and 7
Docket Nos. 52-040 and 52-041
L-2015-269 Page 2 of 3

Included with this response is a report that provides a description of the mitigation strategies for beyond-design-basis external events for Turkey Point Units 6 & 7. This report, AP1000 FLEX Integrated Plan, was produced by Westinghouse Electric Company, LLC (Westinghouse) for AP1000 plants.

Enclosure 2 provides a copy of the Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-13-3759 with the accompanying Affidavit, Proprietary Information Notice, and Copyright Notice.

SECURITY- RELATED INFORMATION (SRI 2.390) – REQUEST TO BE WITHHELD FROM PUBLIC DISCLOSURE IN ACCORDANCE WITH 10 CFR 2.390

Enclosure 3 provides the proprietary Westinghouse report, AP1000 FLEX Integrated Plan, APP-GW-GLR-170, designated as SRI 2.390 Information. Accordingly, FPL requests that Enclosure 3 be withheld from public disclosure under 10 CFR 2.390.

PROPRIETARY INFORMATION – REQUEST TO BE WITHHELD FROM PUBLIC DISCLOSURE IN ACCORDANCE WITH 10 CFR 2.390(a)(4)

Enclosure 3 also contains information designated as Westinghouse Proprietary Class 2 Information. The Westinghouse report, AP1000 FLEX Integrated Plan, APP-GW-GLR-170, 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. 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 addresses 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-13-3759 and should be addressed to James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, 1000 Westinghouse Drive, Building 3 Suite 310, Cranberry Township, Pennsylvania 16066. Based on Enclosure 2 to this letter, FPL requests that Enclosure 3 be withheld from public disclosure under 10 CFR 2.390(a)(4).

Enclosure 4 provides the Westinghouse report, AP1000 FLEX Integrated Plan (Non-Proprietary Version), APP-GW-GLR-171. This is a redacted version of APP-GW-GLR-170 and is therefore non-proprietary and does not contain any SRI 2.390 Information.

Enclosure 3 contains Westinghouse proprietary and SRI 2.390 Information to be withheld from disclosure under 10 CFR 2.390 when separated this page is decontrolled

Proposed Turkey Point Units 6 and 7
Docket Nos. 52-040 and 52-041
L-2015-269 Page 3 of 3

If you have any questions, or need additional information, please contact me at 561-904-3794.

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

Executed on October 29, 2015

Sincerely,



William Maher
Senior Licensing Director – New Nuclear Projects

WDM/GRM

Enclosure 1: FPL Supplemental Response to NRC RAI No. 01.05-2 (eRAI 6434)

Enclosure 2: Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-13-3759 with the accompanying Affidavit, Proprietary Information Notice, and Copyright Notice

Enclosure 3: Westinghouse report, AP1000 FLEX Integrated Plan (Proprietary & SRI 2.390 Version), APP-GW-GLR-170

Enclosure 4: Westinghouse report, AP1000 FLEX Integrated Plan (Non-Proprietary & No SRI 2.390 Version), APP-GW-GLR-171

cc: w/o Enclosure 3

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

Proposed Turkey Point Units 6 and 7
Docket Nos. 52-040 and 52-041
FPL Response to NRC RAI No. 01.05-2 (eRAI 6434)
L-2015-269 Enclosure 1 Page 1 of 2

NRC RAI Letter No. PTN-RAI-LTR-058

SRP Section: 01.05 - Other Regulatory Considerations

Question from NRC Licensing Branch 4

NRC RAI Number: 01.05-2 (eRAI 6434)

Develop mitigation strategies for beyond-design-basis external events as described in Attachment 3 to Order EA-12-049, (ML12054A735)

FPL RESPONSE:

This response provides additional information about the PTN Units 6 & 7 beyond-design-basis mitigation strategies submitted in response to NRC Request for Additional Information Letter No. 58, Implementation of Fukushima Near-Term Task Force Recommendations, dated May 1, 2012, RAI No. 01.05-2 (Reference 1). Included in this letter is a report that provides a description of the mitigation strategies for beyond-design-basis external events for PTN Units 6 & 7. This report (Reference 2) was produced by Westinghouse Electric Company, LLC (Westinghouse) for AP1000 plants and is included as Enclosure 3.

APP-GW-GLR-170 (Reference 2) has sections describing a milestone schedule and various indications that a milestone schedule is attached. Based on the current status of PTN Units 6 & 7 as a Combined License (COL) applicant, this milestone schedule is not appropriate at this time and is therefore, not included in this submittal.

This response is PLANT SPECIFIC.

References:

1. NRC Letter to FPL dated May 1, 2012, Request for Additional Information Letter No. 58 Concerning Implementation of Fukushima Near-Term Task Force Recommendations for the Turkey Point Units 6 and 7 Combined License Application
2. Westinghouse report, AP1000 FLEX Integrated Plan (Proprietary Version & SRI 2.390), APP-GW-GLR-170

ASSOCIATED COLA REVISIONS:

None

Enclosure 3 contains Westinghouse proprietary and SRI 2.390 Information to be withheld from disclosure under 10 CFR 2.390 when separated this page is decontrolled

Proposed Turkey Point Units 6 and 7
Docket Nos. 52-040 and 52-041
FPL Response to NRC RAI No. 01.05-2 (eRAI 6434)
L-2015-269 Enclosure 1 Page 2 of 2

ASSOCIATED LETTER ENCLOSURES:

1. Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-13-3759 with the accompanying Affidavit, Proprietary Information Notice, and Copyright Notice (Enclosure 2)
2. Westinghouse Report, AP1000 FLEX Integrated Plan (Proprietary & SRI 2.390 Version), APP-GW-GLR-170 (Enclosure 3)
3. Westinghouse report, AP1000 FLEX Integrated Plan (Proprietary & SRI 2.390 Information Redacted Version), APP-GW-GLR-171 (Enclosure 4)

Enclosure 3 contains Westinghouse proprietary and SRI 2.390 Information to be withheld from disclosure under 10 CFR 2.390 when separated this page is decontrolled

Proposed Turkey Point Units 6 and 7
Docket Nos. 52-040 and 52-041
FPL Response to NRC RAI No. 01.05-2 (eRAI 6434)
L-2015-269 Enclosure 2 Page 1 of 7

Enclosure 2

**Westinghouse Application for Withholding Proprietary Information
from Public Disclosure CAW-13-3759
with the accompanying
Affidavit,
Proprietary Information Notice,
and Copyright Notice**

(7 total Pages)

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

CAW-13-3759

(7 Total Pages)

PTN 6 & 7 COL Application Enclosure 3, Westinghouse Report, AP1000 FLEX Integrated Plan (Proprietary Version), APP-GW-GLR-170, 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. The Westinghouse affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in 10 CFR 2.390(b)(4).

Correspondence with respect to the proprietary aspects of this application for withholding or the accompanying affidavit should reference CAW-13-3759 and should be addressed to James A. Gresham, Manager, Regulatory Compliance, Westinghouse Electric Company, 1000 Westinghouse Drive, Building 3 Suite 310, Cranberry Township, Pennsylvania 16066.

Enclosure 3 contains SRI 2.390 Information when separated this page is decontrolled

Proposed Turkey Point Units 6 and 7
Docket Nos. 52-040 and 52-041
FPL Response to NRC RAI No. 01.05-2 (eRAI 6434)
L-2015-269 Enclosure 2 Page 2 of 7

PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC with the AP1000 FLEX Integrated Plan as part of an NRC RAI response, and may be used only for that purpose.

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.

CAW-13-3759

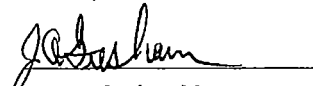
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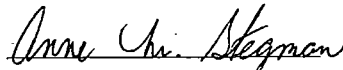
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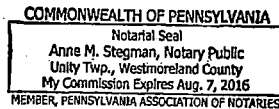
COUNTY OF BUTLER:

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 17th day of July 2013


Notary Public



- (1) I am Manager, Regulatory Compliance, in Engineering, Equipment and Major Projects, 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 APP-GW-GLR-170 "AP1000 FLEX Integrated Plan" (Proprietary), for submittal to the Commission, being transmitted by APOG Project letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted by Westinghouse is that associated with the AP1000 FLEX Integrated Plan (Proprietary), and may be used only for that purpose.

This information is part of that which will enable Westinghouse to provide design details to customers on explicit methods, strategies, connection points, and equipment for off-site support of post 72-hour operations in the event of an extended station blackout at an AP1000 Nuclear Power Plants (NPP).

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for the purpose of supporting development of customer licensing submittals and customer commercial specifications for offsite supporting equipment.
- (b) 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 technical evaluation justifications 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.