



CHRISTOPHER M. FALLON
Vice President
Nuclear Development

Duke Energy
EC12L/526 South Church Street
Charlotte, NC 28202

Mailing Address:
EC12L / P.O. Box 1006
Charlotte, NC 28201-1006

Serial: NPD-NRC-2015-050
November 12, 2015

10 CFR 52.79

o: 704.382.9248
c: 704.519.6173
f: 980.373.2551

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

christopher.fallon@duke-energy.com

**LEVY NUCLEAR PLANT, UNITS 1 AND 2
DOCKET NOS. 52-029 AND 52-030
RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION LETTER NO. 133 RELATED
TO SRP SECTION 7.1, INSTRUMENTATION AND CONTROLS, INTRODUCTION, FOR THE
LEVY NUCLEAR PLANT, UNITS 1 AND 2, COMBINED LICENSE APPLICATION**

- References:
- 1) Letter from Donald Habib (NRC) to Christopher M. Fallon (DEF), dated October 1, 2015, "Request for Additional Information Letter No. 133 Related to Standard Review Plan Section 7.1, Instrumentation and Controls, Introduction, for the Levy Nuclear Plant, Units 1 and 2, Combined License Application" (ML15275A000).
 - 2) Letter from Christopher Fallon (DEF) to Nuclear Regulatory Commission (NRC), dated November 12, "Revised Response to Request for Additional Information Letter No. 122 and Letter No. 126 Related to SRP Sections 6.4, Control Room Habitability System, and 16, Technical Specifications, for the Levy Nuclear Plant, Units 1 and 2 Combined License Application", Serial: NPD-NRC-2015-049.

Ladies and Gentlemen:

Duke Energy Florida, Inc. (DEF) hereby submits our response to the Nuclear Regulatory Commission's (NRC) request for additional information provided in Reference 1. Question 07.01-1 is addressed in Enclosure 1 to this letter. Attachment A to Enclosure 1 contains the non-proprietary version of the response and Attachment B to Enclosure 1 contains the proprietary version of the response.

Also enclosed is the Westinghouse Application for Withholding Proprietary Information from Public Disclosure CAW-15-4285, accompanying Affidavit, Proprietary Information Notice, and Copyright Notice. (Enclosures 2 and 3)

As Attachment B to Enclosure 1 contains information proprietary to Westinghouse Electric Company LLC, it is supported by an Affidavit signed by Westinghouse, the owner of the information. The 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 paragraph (b)(4) of Section 2.390 of the Commission's regulations. Accordingly, it is respectfully requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR Section 2.390 of the Commission's regulations.

DO94
NRO

Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse Affidavit should reference CAW-15-4285 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.

If you have any further questions, or need additional information, please contact Bob Kitchen at (704) 382-4046, or me at (704) 382-9248.

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

Executed on November 12, 2015.

Sincerely,



Christopher M. Fallon
Vice President
Nuclear Development

Enclosures/Attachments:

1. LNP Response to NRC RAI Letter No. 133, Question 07.01-1
 - A. Response to NRC RAI Question 07.01-1 (Non-Proprietary)
 - B. Response to NRC Question 07.01-1 (Proprietary)
2. Westinghouse Application Letter CAW-15-4285 and Affidavit
3. Proprietary Information Notice and Copyright Notice

cc (w/o enclosures): U.S. NRC Region II, Regional Administrator
cc (w/ enclosures): Mr. Donald Habib, U.S. NRC Project Manager

**Levy Nuclear Plant Units 1 and 2 (LNP)
Response to NRC Request for Additional Information Letter No. 133 Related to Standard
Review Plan Section 7.1, Instrumentation and Controls, Introduction, dated October 1,
2015**

<u>NRC RAI #</u>	<u>Duke Energy RAI #</u>	<u>Duke Energy Response</u>
07.01-1	L-1166	Response enclosed – see following pages

NRC Letter No.: LNP-RAI-LTR-133

NRC Letter Date: October 1, 2015

NRC Review of Final Safety Analysis Report

NRC RAI NUMBER: 07.01-1

Text of NRC RAI:

Demonstrate how the safety-related I&C equipment that are to be used in the main control room (MCR) for the Levy COL application is qualified for the changed environmental conditions and time duration. Also clarify whether the qualification conducted for the Common-Q equipment will be credited for the Levy COL application.

10 CFR 50.55a(h) incorporates by reference IEEE Std. 603-1991, which contains Clause 5.4, "Equipment Qualification." Clause 5.4 requires safety system equipment be qualified by type test, previous operating experience, or analysis, or any combination of these three methods, to substantiate that it will be capable of meeting, on a continuing basis, the performance requirements as specified in the design basis.

Section 7.1 of the AP1000 DCD, Revision 19, is incorporated by reference in the Levy COL application. The AP1000 DCD Chapter 7 includes description of the protection system hardware utilizing the Common-Q platform. Table 7-1 in Common Qualified Platform Topical Report, WCAP-16097-P-A, Revision 2, shows that the environmental design requirements for the Common-Q equipment include a maximum temperature at 120 Deg. F and 95% relative humidity (RH) and a minimum temperature of 40 Deg. F and 20% RH for a time duration of 12 hours. According to the documents submitted by the applicant, the potential environmental conditions in the MCR after a design basis event (DBE) are now revised from 95 Deg. F and 70% RH to 115 Deg. F and 35% RH for an extended time duration of four days (between 4th and 7th day after a DBE).

1. Will the Levy COL application continue to rely upon the environmental qualification testing that was previously performed on Common-Q equipment as described in Topical Report WCAP-16097-P-A or will the applicant perform additional testing to demonstrate environmental qualification of safety-related I&C equipment in the main control room (e.g., flat panel displays)?
2. If the Levy COL application will continue to rely upon the environmental qualification previously performed and described in WCAP-16097-P-A, describe how Common-Q safety equipment in the MCR, such as flat display panels and their processors, remain qualified for the changed environmental conditions for the higher temperature with an extended time duration.
3. If additional testing will be performed on safety-related I&C equipment in the MCR, provide the following:
 - a. If testing has been performed, provide the summary results of the tests including maximum temperature and humidity limits and their time durations, identification of standards used to conduct the testing, and other information commensurate with the level of detail currently outlined in Topical Report WCAP-16097-P-A for environmental qualification of Common-Q equipment.

- b. If testing is to be performed in the future, identify the standards by which the testing will be governed and the ITAAC that would address such future testing.
4. Update the Levy COL application accordingly to include the information above in order to ensure a clear licensing basis.

DEF RAI ID#: L-1166

DEF Response to NRC RAI:

See Attachment A for the non-proprietary, redacted version of the response to NRC RAI 07.01-1.

See Attachment B for the proprietary version of the response to NRC RAI 07.01-1.

Associated LNP COL Application Revision:

None

Attachments to Response to NRC:

- A. Non-proprietary version of the response to NRC RAI 07.01-1.
- B. Proprietary version of the response to NRC RAI 07.01-1.

**Westinghouse Application Letter CAW-15-4285 and
Affidavit
(7 pages including cover page)**



Westinghouse Electric Company
Engineering, Equipment and Major Projects
1000 Westinghouse Drive, Building 3
Cranberry Township, Pennsylvania 16066
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
11555 Rockville Pike
Rockville, MD 20852

Direct tel: (412) 374-4643
Direct fax: (724) 940-8560
e-mail: greshaja@westinghouse.com
Proj letter: APC_APG_000323

CAW-15-4285

3 November 2015

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

Subject: APP-VES-GF-007, "Supplemental Response to Requests for Additional Information Letter Nos 122 and 126" and APP-GW-GF-089, "Response to Request for Additional Information Letter 133 (RAI 8262), Question 07.01-1"

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-15-4285 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 APOG.

Correspondence with respect to the proprietary aspects of the Application for Withholding or the Westinghouse Affidavit should reference CAW-15-4285, 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.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Richard A. DeLong', written over a horizontal line.

Richard A. DeLong, Director
International Licensing and Regulatory Affairs

CAW-15-4285
3 November 2015

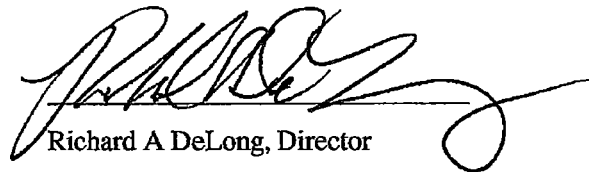
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF BUTLER:

I, Richard A. DeLong, am 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 my knowledge, information, and belief.



Richard A DeLong, Director
International Licensing and Regulatory Affairs

- (1) I am Director, International Licensing and Regulatory Affairs, 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 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.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in APP-VES-GF-007, "Supplemental Response to Requests for Additional Information Letter Nos 122 and 126," and APP-GW-GF-089, "Response to Request for Additional Information Letter 133 (RAI 8262), Question 07.01-1" for submittal to the Commission, being transmitted by APOG 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 topic of Main Control Room Heat up and Habitability and may be used only for that purpose.

- (a) This information is part of that which will enable Westinghouse to:
 - (i) Provide the NRC and customers with technical information on the on the Main Control Room Head Load design information.

- (b) Further this information has substantial commercial value as follows:
 - (i) Westinghouse plans to sell the use of similar information to its customers for the purpose of providing more products and services.
 - (ii) Westinghouse can sell support and defense of industry guidelines and acceptance criteria for plant-specific applications.
 - (iii) 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 systems in commercial power reactors 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 and Copyright Notice
(2 pages including cover page)**

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).

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.