Enclosure 1 contains information requested to be withheld from disclosure under 10 CFR 2.390

L-2018-237
10 CFR 50.71(e)
10 CFR 52 Appendix D

December 21, 2018

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

Re: Florida Power & Light Company
Turkey Point Units 6 and 7
Docket Nos. 52-040 and 52-041
Tier 1 and Integrated Final Safety Analysis Report Revision 0 Submittal

References:

1. FPL Letter L-2016-164 to NRC Dated August 26, 2016, Submittal of the Annual Update of the COL Application – Revision 8 and the Semi-Annual Update of the Departures Report (ADAMS Accession No. ML16251A127)

2. FPL Letter L-2018-145 to NRC Dated August 7, 2018, Report of 10 CFR 50.59 Changes, Tests and Experiments and 10 CFR 52 Appendix D Departures (ADAMS Accession No. ML18221A124)

The purpose of this letter is to provide, as enclosures to this letter, Revision 0 of the Turkey Point Units 6 and 7 Tier 1 and Integrated Final Safety Analysis Report (IFSAR) (Enclosures 1 and 2). Both enclosures are provided on Optical Storage Media (OSM) pursuant to the reporting requirements of 10 CFR 50.71 (e) and 10 CFR Part 52, Appendix D, Section X.B.2.

10CFR 52, Paragraph X.B.2 requires the COL holder referencing the Design Control Document (DCD) to submit updates to the plant-specific DCD. The DCD consists of Tier 1 and Tier 2 material. The PTN 6&7 IFSAR includes plant-specific DCD Tier 2 and Tier 2* information and site-specific and standard content. The IFSAR information was most recently submitted in Reference 1. No IFSAR information or Tier 1 information has been changed as stated in Reference 2.

Enclosure 1 contains the complete PTN 6 & 7 IFSAR and Tier 1 documents in portable document format (PDF). Appropriate pre-submission checks have been performed on the files to ensure compliance with the NRC Guidance for Electronic Submissions. Portions of Enclosure 1 contain Security-Related and Proprietary information (as

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NRO

indexed in Enclosure 4); therefore, FPL requests that this information be withheld from public disclosure under 10 CFR 2.390(d).

IFSAR Appendix 3KK, Site Specific Seismic Evaluation Report (AP1000 Turkey Point Site Specific Seismic Evaluation Report, TPG-1000-S2R-802) contains Westinghouse Proprietary Class 2 information as identified by the Enclosure 3 application for withholding proprietary information from public disclosure. FPL requests that the applicable sections of Appendix 3KK be withheld from public disclosure under 10 CFR 2.390(a)(4).

Enclosure 2 contains the complete PTN 6 & 7 IFSAR and Tier 1 documents in portable document format (PDF) with the Security-Related and Proprietary information indexed in Enclosure 4 redacted.

Changes required by License Condition 12(j) will be included in the first annual update to this IFSAR.

If you have any questions, or need additional information, please contact me at 561-691-2294.

Sincerely,

William Maher
Senior Licensing Director
Florida Power & Light Company

WDM/RFO

Enclosure 1: Turkey Point Units 6 & 7 Tier 1 and IFSAR Revision 0 – June 2017 (Sensitive Version OSM Disc 1 of 1)

Enclosure 2: Turkey Point Units 6 & 7 Tier 1 and IFSAR Revision 0 – June 2017 (Public Version OSM Disc 1 of 1)

Enclosure 3: Westinghouse Application for Withholding Proprietary Information from Public Disclosure Affidavit Pursuant to 10 CFR 2.390(a)(4) CAW-15-4182

Enclosure 4: Index of Turkey Point Units 6 & 7 Tier 1 and IFSAR Material Containing Security-Related or Proprietary Information

Enclosure 1 contains information requested to be withheld from disclosure under 10 CFR 2.390

cc (w/o Enclosures 1 and 2):

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

Enclosure 1 contains information requested to be withheld from disclosure under 10 CFR 2.390

Enclosure 1

Turkey Point Units 6 & 7 Tier 1 and IFSAR

Revision 0 – June 2017

Sensitive Version
OSM Disc 1 of 1

Enclosure 2

Turkey Point Units 6 & 7 Tier 1 and IFSAR

Revision 0 – June 2017

Public Version
OSM Disc 1 of 1

Enclosure 3

Westinghouse Application for Withholding Proprietary Information from Public Disclosure Affidavit

Pursuant to 10 CFR 2.390(a)(4)

CAW-15-4182

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 7 {IFSAR, Appendix 3KK}, 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 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-15-4182 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.

PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC with the Turkey Point Site Specific Seismic Evaluation as part of an NRC RAI response and FSAR Appendix 3KK, 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-15-4182
September 1, 2015

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

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COUNTY OF BUTLER:

I, James A. Gresham, 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.

James A. Gresham, Manager
Regulatory Compliance

(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 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 TPG-1000-S2R-802, Revision 7, "Turkey Point Site Specific Seismic Evaluation Report" (Proprietary), for submittal to the Commission, being transmitted by Florida Power & Light 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 Turkey Point Site Specific Seismic Evaluation as part of an NRC RAI response and FSAR Appendix 3KK update, and may be used only for that purpose.

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

(i) Support FP&L as part of an NRC RAI response and FSAR Appendix 3KK update needed to obtain a combined operating license (COL).

(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 obtaining COLAs from the NRC.

(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 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.

Enclosure 4

Index of Turkey Point Units 6 & 7 Tier 1 and IFSAR Material Containing Security-Related or Proprietary Information

Index of Turkey Point Units 6 & 7 Tier 1 and IFSAR Material Containing Security-Related or Proprietary Information

Material Location	Basis for Withholding
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Tier 1 Figure 3.3-3	Security-Related Information
Tier 1 Figure 3.3-4	Security-Related Information
Tier 1 Figure 3.3-5	Security-Related Information
Tier 1 Figure 3.3-6	Security-Related Information
Tier 1 Figure 3.3-7	Security-Related Information
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Tier 1 Figure 3.3-14	Security-Related Information
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IFSAR Figure 1.2-4	Security-Related Information
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