

October 14, 2004

Mr. James A. Gresham, Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC  
DISCLOSURE, SEABROOK STATION, UNIT NO. 1 (TAC NO. MC2364)

Dear Mr. Gresham:

By letter dated March 17, 2004 (ML040850074), FPL Energy Seabrook, LLC (FPLE), submitted supplemental information related to FPLE's application to increase the licensed thermal power level at Seabrook Station, Unit No. 1 (Seabrook). That letter included an affidavit dated February 20, 2004, executed by you, requesting that information in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390:

“Seabrook Station Stretch Power Uprate Project NSSS Licensing Report Supplemental Information (WCAP-16223-P).”

A nonproprietary copy of the document was provided for placement in the Nuclear Regulatory Commission's (NRC's) Public Document Room and for addition to the Agencywide Documents Access and Management System Public Electronic Reading Room.

By letter dated September 13, 2004 (ML042660157), FPLE resubmitted the same supplemental information provided in the March 17, 2004, letter, due to an incorrect date in your affidavit notary stamp. The September 13, 2004, letter included a new affidavit dated August 12, 2004, executed by you, requesting that information in the above document be withheld from public disclosure pursuant to 10 CFR 2.390.

The August 12, 2004, affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (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.
  - (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.

- (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

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-2855.

Sincerely,

*/RA/*

Scott P. Wall, Project Manager, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-443

cc: See next page

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Seabrook Station, Unit No. 1

cc:

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