

May 4, 2005

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY'S REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR TURKEY POINT UNITS 3
AND 4 (TAC NOS. MC6460 AND MC6461)

Dear Mr. Gresham:

By Florida Power & Light Company's letter dated March 22, 2005, and your affidavits dated February 22, 2005, you requested that, "Florida Power & Light Turkey Point Units 3 & 4, Licensing Input for Deletion of Steam / Feedwater Flow Mismatch Reactor Trip, WNA-LI-00038-FPL-P, Revision 1, February 2005" and "Florida Power & Light Turkey Point Units 3 & 4, Licensing Input for RPS [Reactor Protection System] Modifications Changing Reactor Trip on Turbine Trip Permissive from P-7 to P-8, WNA-LI-00039-FPL-P, Revision 1, February 2005," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

A nonproprietary copy of these documents has been placed in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavits stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- (b) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public.
- (c) 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.
- (d) 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.
- (e) The proprietary information, as submitted for use by Westinghouse Electric Company for Turkey Point Units 3 and 4, is expected to be applicable for other licensee submittals in response to certain NRC requirements for justification of

steam/feedwater flow mismatch reactor trip elimination and justification of changing reactor trip on turbine trip permissive from P-7 to P-8.

- (f) 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 calculations 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.
- (g) 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.
- (h) 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.

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 subject to the conditions below, the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the requested portions of the documents listed above and identified by you 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 your request to withhold this information, you will be notified in advance of any public disclosure.

J. A. Gresham

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If you have any questions regarding this matter, please feel free to contact me at 301-415-2315.

Sincerely,

/RA/

Eva A. Brown, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: See next page

If you have any questions regarding this matter, please feel free to contact me at 301-415-2315.

Sincerely,

/RA/

Eva A. Brown, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: See next page

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J. A. Gresham
Westinghouse Electric Company

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