

January 23, 2006

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

SUBJECT: NUCLEAR MANAGEMENT COMPANY, LLC - REQUEST FOR WITHHOLDING  
OF PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR POINT  
BEACH NUCLEAR PLANT, UNIT 1 (TAC NO. MC7482)

Dear Mr. Gresham:

By letter to the Nuclear Regulatory Commission (NRC) dated December 20, 2005, Nuclear Management Company, LLC, submitted an affidavit dated December 16, 2005, executed by you requesting that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Westinghouse Letter WEP-05-168, Rev.1-NP, "Point Beach Unit 1, Cycle 29 -  
Reactor Vessel Upper Closure Head Volume Best-Estimate Mean Fluid  
Temperature," June 20, 2005

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- 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.

We have reviewed your 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 the 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, please contact me at 301-415-2296.

Sincerely,

**/RA/**

Carl F. Lyon, Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-266

cc: See next page

- 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.

We have reviewed your 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 the 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, please contact me at 301-415-2296.

Sincerely,

**/RA/**

Carl F. Lyon, Project Manager  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-266

cc: See next page

DISTRIBUTION:

PUBLIC	LPLIII-1 R/F	RidsNrrPMFLyon	RidsNrrLADClarke
RidsNrrDorLple	RidsNrrDorIDpr	RidsOgcRp	RidsAcrsAcnwMailCenter
AMuñiz	RidsRgn3MailCenter		

ADAMS Accession Number: **ML060050163** \*Previously concurred NRR-088

OFFICE	LPL3-1/PE	LPL3-1/PM	LPL3-1/LA	LPL3-1/BC (A)
NAME	AMuñiz*	FLyon:RSA	DClarke*	TKobetz
DATE	1/20/06	1/20/06	1/20/06	1/23/06

OFFICIAL RECORD COPY

Point Beach Nuclear Plant, Units 1 and 2

cc:

Jonathan Rogoff, Esquire  
Vice President, Counsel & Secretary  
Nuclear Management Company, LLC  
700 First Street  
Hudson, WI 54016

Mr. F. D. Kuester  
President & Chief Executive Officer  
WE Generation  
231 West Michigan Street  
Milwaukee, WI 53201

Regulatory Affairs Manager  
Point Beach Nuclear Plant  
Nuclear Management Company, LLC  
6610 Nuclear Road  
Two Rivers, WI 54241

Mr. Ken Duveneck  
Town Chairman  
Town of Two Creeks  
13017 State Highway 42  
Mishicot, WI 54228

Chairman  
Public Service Commission  
of Wisconsin  
P.O. Box 7854  
Madison, WI 53707-7854

Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
Suite 210  
2443 Warrenville Road  
Lisle, IL 60532-4351

Resident Inspector's Office  
U.S. Nuclear Regulatory Commission  
6612 Nuclear Road  
Two Rivers, WI 54241

Mr. Jeffery Kitsebel  
Electric Division  
Public Service Commission of Wisconsin  
P.O. Box 7854  
Madison, WI 53707-7854

Nuclear Asset Manager  
Wisconsin Electric Power Company  
231 West Michigan Street  
Milwaukee, WI 53201

Michael B. Sellman  
President and Chief Executive Officer  
Nuclear Management Company, LLC  
700 First Street  
Hudson, WI 54016

Douglas E. Cooper  
Senior Vice President - Group Operations  
Palisades Nuclear Plant  
Nuclear Management Company, LLC  
27780 Blue Star Memorial Highway  
Covert, MI 49043

Site Director of Operations  
Nuclear Management Company, LLC  
6610 Nuclear Road  
Two Rivers, WI 54241