

January 13, 2006

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

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

Dear Mr. Gresham:

By letter dated September 8, 2005, Florida Power and Light Company submitted an affidavit dated July 20, 2005, executed by J.S. Galembush, in which you requested 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:

"Florida Power & Light Turkey Point Units 3 & 4, Supplemental Licensing Input for Deletion of Steam/Feedwater Flow Mismatch Reactor Trip, WNA-LI-00049-FPL-P, Revision 0, July 2005"

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (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:

- (i) The information 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.
- (iii) The information is being transmitted to the NRC in confidence under the provisions of 10 CFR 2.390.
- (iv) The information 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 Westinghouse's knowledge or belief.
- (v) 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 design modifications, bases, 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.

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 301-415-3974.

Sincerely,

*/RA/*

Brendan T. Moroney, Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: See next page

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## TURKEY POINT PLANT

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