

March 8, 2006

Mr. B.F. Maurer, Acting Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company  
Nuclear Services  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY, REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE FOR ST. LUCIE NUCLEAR  
PLANT, UNIT 2 (TAC NO. MC5084)

Dear Mr. Maurer:

By letter dated February 13, 2006, Florida Power and Light Company submitted Westinghouse affidavit CAW-06-2090 dated January 25, 2006, executed by J. A. Gresham, which requested that information contained in the following document that is appropriately marked as proprietary be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Responses to NRC Request for Additional Information on WCAP-16208-P,  
Rev. 0, 'NDE Inspection Length for CE Steam Generator Tubesheet Region  
Explosive Expansions,' dated January 23, 2006.

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 and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.
- (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 No. 50-389

cc: See next page

(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.

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Sincerely,

**/RA/**

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

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**OFFICIAL RECORD COPY**

Florida Power and Light Company

cc:

Mr. J. A. Stall  
Senior Vice President, Nuclear and  
Chief Nuclear Officer  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, Florida 33408-0420

Mr. William E. Webster  
Vice President, Nuclear Operations  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Senior Resident Inspector  
St. Lucie Plant  
U.S. Nuclear Regulatory Commission  
P.O. Box 6090  
Jensen Beach, Florida 34957

Craig Fugate, Director  
Division of Emergency Preparedness  
Department of Community Affairs  
2740 Centerview Drive  
Tallahassee, Florida 32399-2100

M. S. Ross, Managing Attorney  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Marjan Mashhadi, Senior Attorney  
Florida Power & Light Company  
801 Pennsylvania Avenue, NW.  
Suite 220  
Washington, DC 20004

Mr. Douglas Anderson  
County Administrator  
St. Lucie County  
2300 Virginia Avenue  
Fort Pierce, Florida 34982

Mr. William A. Passetti, Chief  
Department of Health  
Bureau of Radiation Control  
2020 Capital Circle, SE, Bin #C21  
Tallahassee, Florida 32399-1741

## **ST. LUCIE PLANT**

Mr. G. L. Johnston  
Acting Vice President  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957-2000

Mr. Christopher R. Costanzo  
Acting Plant General Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

Mr. Bill Parks  
Acting Operations Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957-2000

Mr. Terry Patterson  
Licensing Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

Mark Warner, Vice President  
Nuclear Operations Support  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Mr. Rajiv S. Kundalkar  
Vice President - Nuclear Engineering  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Mr. J. Kammel  
Radiological Emergency  
Planning Administrator  
Department of Public Safety  
6000 Southeast Tower Drive  
Stuart, Florida 34997