



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 26, 2008

Mr. Larry Meyer
Site Vice President
Point Beach Nuclear Plant
6610 Nuclear Road
Two Rivers, WI 54241

SUBJECT: FPL ENERGY POINT BEACH, LLC - REQUEST FOR WITHHOLDING OF PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2 (TAC NOS. MD9526 AND MD9527)

Dear Mr. Meyer:

By letter dated October 17, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML083190670), you submitted an affidavit dated September 19, 2008, executed by J. A. Gresham, Manager Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, LLC, 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:

Small Break LOCA – Component Data Descriptions and Point Beach Unit 2
Component Data, dated September 2008

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.

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

Therefore, 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 301-415-1424.

Sincerely,



Jack Cushing, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-266 and 50-301

cc: Additional Distribution via ListServ

Point Beach Nuclear Plant, Units 1 and 2

cc:

J. A. Gresham
Manager Regulatory Compliance & Plant Licensing
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburg, PA 15230-0355

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Sincerely,

/RA/ Peter Tam for

Jack Cushing, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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