



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

August 31, 2009

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

SUBJECT: TURKEY POINT UNITS 3 AND 4 REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE (TAC NOS. ME1754 AND  
ME1755)

Dear Mr. Nazar:

By letter dated July 23, 2009, Florida Power & Light submitted an affidavit dated June 12, 2009, executed by R. M. Span, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, 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:

WCAP-17091-P, H\*: Alternate Repair Criteria for the Tubesheet Expansion Region in Steam Generators with Hydraulically Expanded Tubes (Model 44F).

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 optimizing 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.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

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 WCAP-17091-P, H\*: Alternate Repair Criteria for the Tubesheet Expansion Region in Steam Generators with Hydraulically Expanded Tubes (Model 44F) 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 Nuclear Regulatory Commission (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 301-415-2020.

Sincerely,



Brenda L. Mozafari, Senior 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: Mr. J. A. Gresham  
Regulatory Compliance  
and Plant Licensing  
Westinghouse Electric Company  
P.O. Box 355  
Pittsburgh, PA 15230-0355

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*/RA/*

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