



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

December 4, 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: ST. LUCIE UNIT 2 - REQUEST FOR WITHHOLDING INFORMATION FROM
PUBLIC DISCLOSURE (TAC NO. ME1883)

Dear Mr. Nazar:

By letter dated November 13, 2009, Eric S. Katzman of your staff submitted an affidavit (CAW-09-2675) dated September 17, 2009, executed by Michael J. Gancarz, Product Manager, Systems and Equipment Engineering II in Nuclear Services, 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:

Florida Power & Light Company, L-2009-208, "Data for NRC [Nuclear Regulatory Commission] Confirmatory EPU [Extended Power Uprate] Analyses," Attachment 2

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, in conjunction with the annotations of the document in question, 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.
- (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.

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 pursuant to 10 CFR 2.390(a)(4).

M. Nazar

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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 301-415-2788.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy J. Orf".

Tracy J. Orf, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-389

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

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/RA/

Tracy J. Orf, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-389

cc: J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company LLC
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Pittsburgh, Pennsylvania 15230-0355

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