



December 22, 2009

NRC 2009-0133
10 CFR 50.90

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Point Beach Nuclear Plant, Units 1 and 2
Dockets 50-266 and 50-301
Renewed License Nos. DPR-24 and DPR-27

License Amendment Request 261
Extended Power Uprate
Transmittal of SBLOCA Information

- References:
- (1) FPL Energy Point Beach, LLC letter to NRC, dated April 7, 2009, License Amendment Request 261, Extended Power Uprate (ML091250564)
 - (2) FPL Energy Point Beach, LLC letter to NRC, dated October 17, 2008, Transmittal of Small Break Loss of Coolant Modeling Information for Extended Power Uprate (ML083190637)
 - (3) FPL Energy Point Beach, LLC letter to NRC, dated December 5, 2008, Transmittal of Small Break Loss of Coolant Modeling Information for Extended Power Uprate

NextEra Energy Point Beach, LLC (NextEra) submitted License Amendment Request (LAR) 261 (Reference 1) to the NRC pursuant to 10 CFR 50.90. The proposed amendment would increase each unit's licensed thermal power level from 1540 megawatts thermal (MWt) to 1800 MWt, and revise the Technical Specifications to support operation at the increased thermal power level.

Two letters containing small break loss of coolant accident (SBLOCA) related information (References 2 and 3) were submitted to the NRC prior to the submittal of Reference (1). These two letters were not submitted under oath and affirmation and did not reference LAR 261. This letter provides the same information under oath and affirmation as part of LAR 261.

Attachment 1 provides the FPL letter to NRC dated October 17, 2008 (Reference 2). Attachment 2 provides the FPL letter to NRC dated December 5, 2008 (Reference 3). Attachments 1 and 2 contain Westinghouse authorization letters with accompanying affidavits, Proprietary Information Notices and Copyright Notices. As these attachments contain information proprietary to Westinghouse Electric Company, LLC, they are supported by affidavits signed by Westinghouse, the owner of the information. The affidavits set forth the basis on which the information may be withheld from public disclosure by the Commission and address with specificity the considerations listed in Paragraph (b)(4) of Section 2.390 of the Commission's regulations.

It is requested that the information in Attachments 1 and 2, which is proprietary to Westinghouse, be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations. Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavits should reference CAW-08-2482 for Attachment 1, and CAW-08-2490 or CAW-08-2492 for Attachment 2, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

This letter contains no new Regulatory Commitments and no revisions to existing Regulatory Commitments.

The information contained in this letter does not alter the no significant hazards consideration contained in Reference (1) and continues to satisfy the criteria of 10 CFR 51.22 for categorical exclusion from the requirements of an environmental assessment.

In accordance with 10 CFR 50.91, a copy of this letter is being provided to the designated Wisconsin Official.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 22, 2009.

Very truly yours,

NextEra Energy Point Beach, LLC

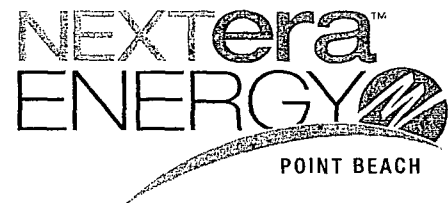


Larry Meyer
Site Vice President

Attachments

cc: Administrator, Region III, USNRC
Project Manager, Point Beach Nuclear Plant, USNRC
Resident Inspector, Point Beach Nuclear Plant, USNRC
PSCW

**Non-Proprietary
Copy**



December 22, 2009

NRC 2009-0133
10 CFR 50.90

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Point Beach Nuclear Plant, Units 1 and 2
Dockets 50-266 and 50-301
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License Amendment Request 261
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Two letters containing small break loss of coolant accident (SBLOCA) related information (References 2 and 3) were submitted to the NRC prior to the submittal of Reference (1). These two letters were not submitted under oath and affirmation and did not reference LAR 261. This letter provides the same information under oath and affirmation as part of LAR 261.

Attachment 1 provides the FPL letter to NRC dated October 17, 2008 (Reference 2). Attachment 2 provides the FPL letter to NRC dated December 5, 2008 (Reference 3). Attachments 1 and 2 contain Westinghouse authorization letters with accompanying affidavits, Proprietary Information Notices and Copyright Notices. As these attachments contain information proprietary to Westinghouse Electric Company, LLC, they are supported by affidavits signed by Westinghouse, the owner of the information. The affidavits set forth the basis on which the information may be withheld from public disclosure by the Commission and address with specificity the considerations listed in Paragraph (b)(4) of Section 2.390 of the Commission's regulations.

It is requested that the information in Attachments 1 and 2, which is proprietary to Westinghouse, be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations. Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavits should reference CAW-08-2482 for Attachment 1, and CAW-08-2490 or CAW-08-2492 for Attachment 2, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company, LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

This letter contains no new Regulatory Commitments and no revisions to existing Regulatory Commitments.

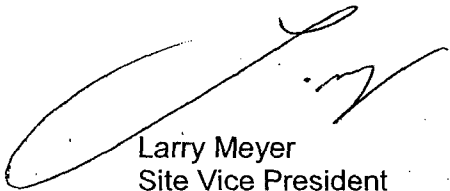
The information contained in this letter does not alter the no significant hazards consideration contained in Reference (1) and continues to satisfy the criteria of 10 CFR 51.22 for categorical exclusion from the requirements of an environmental assessment.

In accordance with 10 CFR 50.91, a copy of this letter is being provided to the designated Wisconsin Official.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 22, 2009.

Very truly yours,

NextEra Energy Point Beach, LLC



Larry Meyer
Site Vice President

Attachments

cc: Administrator, Region III, USNRC
Project Manager, Point Beach Nuclear Plant, USNRC
Resident Inspector, Point Beach Nuclear Plant, USNRC
PSCW

WITHHOLD FROM PUBLIC DISCLOSURE UNDER 10 CFR 2.390

ATTACHMENT 1

**NEXTERA ENERGY POINT BEACH, LLC
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2**

**LICENSE AMENDMENT REQUEST 261
EXTENDED POWER UPRATE
TRANSMITTAL OF SBLOCA INFORMATION**

FPL LETTER TO NRC DATED OCTOBER 17, 2008



FPL Energy Point Beach, LLC, 6610 Nuclear Road, Two Rivers, WI 54241

FPL Energy

Point Beach Nuclear Plant

October 17, 2008

NRC 2008-0076

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Point Beach Nuclear Plant, Units 1 and 2
Dockets 50-266 and 50-301
Renewed License Nos. DPR-24 and DPR-27

Transmittal of Small Break Loss of Coolant
Modeling Information for Extended Power Uprate

Enclosed are two copies of the Point Beach Nuclear Plant (PBNP) Unit 2 small break loss of coolant (SBLOCA) modeling information for extended power uprate (EPU). The Unit 2 data is the most limiting and therefore, is representative of both PBNP Units 1 and 2.

Also enclosed is Westinghouse authorization letter CAW-08-2482 with accompanying affidavit, Proprietary Information Notice and Copyright Notice. As the enclosure contains information proprietary to Westinghouse Electric Company LLC, it is supported by an affidavit signed by Westinghouse, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in Paragraph (b)(4) of Section 2.390 of the Commission's regulations.

It is requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations. Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavit should reference CAW-08-2482 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

This is the first of three submittals. It is estimated that the second submittal containing plant data will be provided by the end of October 2008 and the third submittal will be provided by the end of November 2008. There is no non-proprietary information contained in Enclosure 1.

Very truly yours,

FPL Energy Point Beach, LLC


Larry Meyer
Site Vice President

Enclosures

An FPL Group company

WITHHOLD FROM PUBLIC DISCLOSURE UNDER 10 CFR 2.390

ENCLOSURE 1

**FPL ENERGY POINT BEACH, LLC
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2**

**SMALL BREAK LOSS OF COOLANT ACCIDENT DATA
COMPONENT DESCRIPTIONS
AND UNIT 2 COMPONENT DATA**

16 pages follow

Page 2 of 27

WITHHOLD FROM PUBLIC DISCLOSURE UNDER 10 CFR 2.390

ENCLOSURE 2

**FPL ENERGY POINT BEACH, LLC
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2**

**WESTINGHOUSE AUTHORIZATION LETTER, ACCOMPANYING AFFIDAVIT,
PROPRIETARY INFORMATION NOTICE, AND COPYRIGHT NOTICE
CAW-08-2482**

DATED SEPTEMBER 19, 2008



Westinghouse

Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Direct tel: (412) 374-4643
Direct fax: (412) 374-3846
e-mail: greshaja@westinghouse.com

WEP-08-108
Our ref: CAW-08-2482

September 19, 2008

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

Subject: "Small Break LOCA - Component Data Descriptions and Point Beach Unit 2 Component Data," dated September, 2008

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-08-2482 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by FPL Energy

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-08-2482, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Enclosures

cc: George Bacuta (NRC OWFN 12E-1)

bcc: J. A. Gresham (ECE 4-7A) 1L
R. Bastien, 1L (Nivelles, Belgium)
C. Brinkman, 1L (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)
RCPL Administrative Aide (ECE 4-7A) 1L, 1A (letter and affidavit only)
B. Gergos (ECE 4-7A) 1L, 1A
R. Morrison (ECE 4-16A) 1L, 1A
P. Vaughan (ECE 3-19J) 1L, 1A

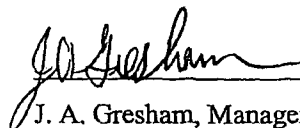
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

ss

COUNTY OF ALLEGHENY:


Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



J. A. Gresham, Manager

Regulatory Compliance & Plant Licensing

Sworn to and subscribed before me
this 19th day of September, 2008



Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Sharon L. Markle, Notary Public
Monroeville Boro, Allegheny County
My Commission Expires Jan. 29, 2011

Member, Pennsylvania Association of Notaries

- (1) I am Manager, Regulatory Compliance & Plant Licensing, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure 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. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- (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.
- (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.

There are sound policy reasons behind the Westinghouse system which include the following:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component

may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.

- (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) The information is being transmitted to the Commission 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 sought to be protected 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 our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked as "Small Break LOCA - Component Data Descriptions and Point Beach Unit 2 Component Data," dated September, 2008, being transmitted by FPL Energy letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse for Point Beach Units 1 and 2 is expected to be applicable for other licensee submittals in response to certain NRC requirements for performing Small Break Loss of Coolant Analyses (SBLOCA).

This information is part of that which will enable Westinghouse to:

- (a) Provide input to the Nuclear Regulatory Commission for review of the Point Beach SBLOCA.
- (b) Provide customer specific calculations.

- (c) Provide licensing support for customer submittals.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of meeting NRC requirements for licensing documentation associated with performing SBLOCA analyses.
- (b) Westinghouse can sell support and defense of the technology to its customer in the licensing process.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

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 information 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.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

Further the deponent sayeth not.

PROPRIETARY INFORMATION NOTICE

Transmitted herewith are proprietary and/or non-proprietary versions of documents furnished to the NRC in connection with requests for generic and/or plant-specific review and approval.

In order to conform to the requirements of 10 CFR 2.390 of the Commission's regulations concerning the protection of proprietary information so submitted to the NRC, the information which is proprietary in the proprietary versions is contained within brackets, and where the proprietary information has been deleted in the non-proprietary versions, only the brackets remain (the information that was contained within the brackets in the proprietary versions having been deleted). The justification for claiming the information so designated as proprietary is indicated in both versions by means of lower case letters (a) through (f) located as a superscript immediately following the brackets enclosing each item of information being identified as proprietary or in the margin opposite such information. These lower case letters refer to the types of information Westinghouse customarily holds in confidence identified in Sections (4)(ii)(a) through (4)(ii)(f) of the affidavit accompanying this transmittal pursuant to 10 CFR 2.390(b)(1).

COPYRIGHT NOTICE

The reports transmitted herewith each bear a Westinghouse copyright notice. The NRC is permitted to make the number of copies of the information contained in these reports which are necessary for its internal use in connection with generic and plant-specific reviews and approvals as well as the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, order, or regulation subject to the requirements of 10 CFR 2.390 regarding restrictions on public disclosure to the extent such information has been identified as proprietary by Westinghouse, copyright protection notwithstanding. With respect to the non-proprietary versions of these reports, the NRC is permitted to make the number of copies beyond those necessary for its internal use which are necessary in order to have one copy available for public viewing in the appropriate docket files in the public document room in Washington, DC and in local public document rooms as may be required by NRC regulations if the number of copies submitted is insufficient for this purpose. Copies made by the NRC must include the copyright notice in all instances and the proprietary notice if the original was identified as proprietary.

WITHHOLD FROM PUBLIC DISCLOSURE UNDER 10 CFR 2.390

ATTACHMENT 2

**NEXTERA ENERGY POINT BEACH, LLC
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2**

**LICENSE AMENDMENT REQUEST 261
EXTENDED POWER UPRATE
TRANSMITTAL OF SBLOCA INFORMATION**

FPL LETTER TO NRC DATED DECEMBER 5, 2008



FPL Energy.

Point Beach Nuclear Plant

December 5, 2008

NRC 2008-0092

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Point Beach Nuclear Plant, Units 1 and 2
Dockets 50-266 and 50-301
Renewed License Nos. DPR-24 and DPR-27

Transmittal of Small Break Loss of Coolant Accident
Modeling Information for Extended Power Uprate

This letter transmits information requested by the NRC that is required to develop plant specific models for Point Beach Nuclear Plant (PBNP) to support NRC review of the extended power uprate (EPU) license amendment request. The information consists primarily of plant design documents, licensing analyses reports, drawings and critical safety parameter lists that are generally provided to the fuel vendors for use in reload analyses. FPL Energy Point Beach, LLC, anticipates submitting the EPU license amendment request in the first quarter of 2009.

Enclosure 1 contains two copies of the PBNP Units 1 and 2 "Small Break LOCA Input Data" part one of two for the extended power uprate (EPU).

Enclosure 2 contains the Westinghouse authorization letter CAW-08-2490 with accompanying affidavit, Proprietary Information Notice and Copyright Notice that is associated with the Enclosure 1 material. As the enclosure contains information proprietary to Westinghouse Electric Company LLC, it is supported by an affidavit signed by Westinghouse, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in Paragraph (b)(4) of Section 2.390 of the Commission's regulations.

Enclosure 3 contains two copies of the PBNP Units 1 and 2 "Small Break LOCA Final Input Data" part two of two for the EPU.

Enclosure 4 contains the Westinghouse authorization letter CAW-08-2492 with accompanying affidavit, Proprietary Information Notice and Copyright Notice that is associated with the Enclosure 3 material. As the enclosure contains information proprietary to Westinghouse Electric Company LLC, it is supported by an affidavit signed by Westinghouse, the owner of the information. The affidavit sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in Paragraph (b)(4) of Section 2.390 of the Commission's regulations.


It is requested that the information which is proprietary to Westinghouse be withheld from public disclosure in accordance with 10 CFR 2.390 of the Commission's regulations. Correspondence with respect to the copyright or proprietary aspects of the items listed above or the supporting Westinghouse affidavits should reference CAW-08-2490 and CAW-08-2492 and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

This letter transmits the second and third of three parts of SBLOCA modeling information for the PBNP EPU. The first submittal dated October 21, 2008 has been transmitted. In accordance with prior phone conversations, PBNP and Westinghouse are prepared to answer the NRC's questions or further requests for information.

There is no non-proprietary information contained in Enclosures 1 and 3.

Very truly yours,

FPL Energy Point Beach, LLC



Larry Meyer
Site Vice President

Enclosures (4)

cc: Administrator, Region III, USNRC
Project Manager, Point Beach Nuclear Plant, USNRC
Resident Inspector, Point Beach Nuclear Plant, USNRC

WITHHOLD FROM PUBLIC DISCLOSURE UNDER 10 CFR 2.390

ENCLOSURE 1

**FPL ENERGY POINT BEACH, LLC
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2**

**SMALL BREAK LOSS OF COOLANT ACCIDENT INPUT DATA
DATED OCTOBER, 2008**

10 pages follow

ENCLOSURE 2

**FPL ENERGY POINT BEACH, LLC
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2**

**WESTINGHOUSE AUTHORIZATION LETTER, ACCOMPANYING AFFIDAVIT,
PROPRIETARY INFORMATION NOTICE, AND COPYRIGHT NOTICE
CAW-08-2490**

DATED OCTOBER 8, 2008

8 pages follow

Page 14 of 38



Westinghouse

Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Direct tel: (412) 374-4643
Direct fax: (412) 374-3846
e-mail: greshaja@westinghouse.com

WEP-08-125
Our ref: CAW-08-2490

October 8, 2008

**APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE**

Subject: "Point Beach Units 1 and 2, Small Break LOCA Input Data," dated October 2008

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-08-2490 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by FPL Energy

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-08-2490, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Enclosures

cc: G. Bacuta (NRC OWFN 12E-1)

bcc: J. A. Gresham (ECE 4-7A) 1L
R. Bastien, 1L (Nivelles, Belgium)
C. Brinkman, 1L (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)
RCPL Administrative Aide (ECE 4-7A) 1L, 1A (letter and affidavit only)
B. Gergos (ECE 4-7A) 1L, 1A
R. Morrison (ECE 4-16A) 1L, 1A
P. Vaughan (ECE 3-19J) 1L, 1A

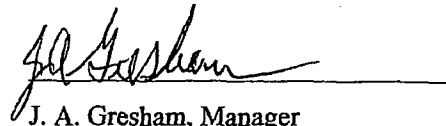
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:


Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



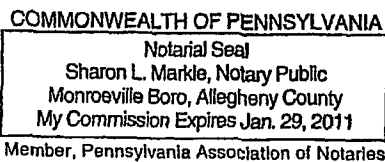
J. A. Gresham, Manager

Regulatory Compliance & Plant Licensing

Sworn to and subscribed before me
this 8th day of October, 2008



Notary Public



- (1) I am Manager, Regulatory Compliance & Plant Licensing, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure 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. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

 - (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.

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- (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.
- (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.*

There are sound policy reasons behind the Westinghouse system which include the following:

- (a) The use of such information by Westinghouse gives Westinghouse a competitive advantage over its competitors. *It is, therefore, withheld from disclosure to protect the Westinghouse competitive position.*
- (b) It is information that is marketable in many ways. The extent to which such information is available to competitors diminishes the Westinghouse ability to sell products and services involving the use of the information.
- (c) Use by our competitor would put Westinghouse at a competitive disadvantage by reducing his expenditure of resources at our expense.
- (d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components of proprietary information, any one component

may be the key to the entire puzzle, thereby depriving Westinghouse of a competitive advantage.

- (e) Unrestricted disclosure would jeopardize the position of prominence of Westinghouse in the world market, and thereby give a market advantage to the competition of those countries.
 - (f) The Westinghouse capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- (iii) *The information is being transmitted to the Commission 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 sought to be protected 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 our knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked as "Point Beach Units 1 and 2, Small Break LOCA Input Data," dated October 2008, being transmitted by FPL Energy letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information as submitted for use by Westinghouse for Point Beach Units 1 and 2 is expected to be applicable for other licensee submittals in response to certain NRC requirements for performing Small Break Loss of Coolant Analyses (SBLOCA).

This information is part of that which will enable Westinghouse to:

- (a) Provide input to the Nuclear Regulatory Commission for review of the Point Beach SBLOCA.
- (b) Provide customer specific calculations.
- (c) Provide licensing support for customer submittals.

Further this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of meeting NRC requirements for licensing documentation associated with performing SBLOCA analyses.
- (b) Westinghouse can sell support and defense of the technology to its customer in the licensing process.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

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 information 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.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

Further the deponent sayeth not.

PROPRIETARY INFORMATION NOTICE

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WITHHOLD FROM PUBLIC DISCLOSURE UNDER 10 CFR 2.390

ENCLOSURE 3

**FPL ENERGY POINT BEACH, LLC
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2**

**SMALL BREAK LOSS OF COOLANT ACCIDENT FINAL INPUT DATA
DATED OCTOBER, 2008**

6 pages follow

ENCLOSURE 4

**FPL ENERGY POINT BEACH, LLC
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2**

**WESTINGHOUSE AUTHORIZATION LETTER, ACCOMPANYING AFFIDAVIT,
PROPRIETARY INFORMATION NOTICE, AND COPYRIGHT NOTICE
CAW-08-2492**

DATED OCTOBER 23, 2008

8 pages follow



Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355
USA

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Direct tel: (412) 374-4643
Direct fax: (412) 374-3846
e-mail: greshaja@westinghouse.com

WEP-08-132
Our ref: CAW-08-2492

October 23, 2008

APPLICATION FOR WITHHOLDING PROPRIETARY
INFORMATION FROM PUBLIC DISCLOSURE

Subject: "Point Beach Units 1 and 2, Small Break LOCA Final Input Data," dated October 2008

The proprietary information for which withholding is being requested in the above-referenced report is further identified in Affidavit CAW-08-2492 signed by the owner of the proprietary information, Westinghouse Electric Company LLC. The affidavit, which accompanies this letter, sets forth the basis on which the information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in paragraph (b)(4) of 10 CFR Section 2.390 of the Commission's regulations.

Accordingly, this letter authorizes the utilization of the accompanying affidavit by FPL Energy.

Correspondence with respect to the proprietary aspects of the application for withholding or the Westinghouse affidavit should reference this letter, CAW-08-2492, and should be addressed to J. A. Gresham, Manager, Regulatory Compliance and Plant Licensing, Westinghouse Electric Company LLC, P.O. Box 355, Pittsburgh, Pennsylvania 15230-0355.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'J. A. Gresham'.

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing

Enclosures

cc: G. Bacuta (NRC OWFN 12E-1)

bcc: J. A. Gresham (ECE 4-7A) 1L
R. Bastien, 1L (Nivelles, Belgium)
C. Brinkman, 1L (Westinghouse Electric Co., 12300 Twinbrook Parkway, Suite 330, Rockville, MD 20852)
RCPL Administrative Aide (ECE 4-7A) 1L, 1A (letter and affidavit only)
B. Gergos (ECE 4-7A) 1L, 1A
R. Morrison (ECE 4-16A) 1L, 1A
P. Vaughan (ECE 3-19J) 1L, 1A

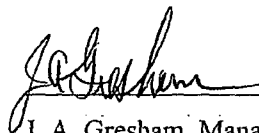
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF ALLEGHENY:

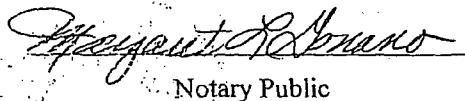
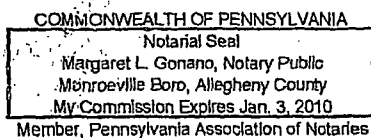
Before me, the undersigned authority, personally appeared J. A. Gresham, who, being by me duly sworn according to law, deposes and says that he is authorized to execute this Affidavit on behalf of Westinghouse Electric Company LLC (Westinghouse), and that the averments of fact set forth in this Affidavit are true and correct to the best of his knowledge, information, and belief:



J. A. Gresham, Manager

Regulatory Compliance & Plant Licensing

Sworn to and subscribed before me
this 23 day of October, 2008


Notary Public

- (1) I am Manager, Regulatory Compliance & Plant Licensing, in Nuclear Services, Westinghouse Electric Company LLC (Westinghouse), and as such, I have been specifically delegated the function of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear power plant licensing and rule making proceedings, and am authorized to apply for its withholding on behalf of Westinghouse.
- (2) I am making this Affidavit in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations and in conjunction with the Westinghouse "Application for Withholding" accompanying this Affidavit.
- (3) I have personal knowledge of the criteria and procedures utilized by Westinghouse in designating information as a trade secret, privileged or as confidential commercial or financial information.
- (4) Pursuant to the provisions of paragraph (b)(4) of Section 2.390 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure 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. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

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