

November 5, 2004

Mr. H. A. Sepp, Manager
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania, 15230-355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY'S REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR TURKEY POINT UNITS 3
AND 4 (TAC NOS. MB6909 AND MB6910)

Dear Mr. Sepp:

By Florida Power & Light Company's letter dated September 8, 2003, and your affidavit dated July 25, 2003, you requested that, "Response in support of NRC's [Nuclear Regulatory Commission's] Request for Additional Information, Turkey Point Nuclear Plant, Unit Nos. 3 and 4, 'Proposed License Amendments: Addition of Cask Area Spent Fuel Storage Racks,' L-2002-214, Dated November 26, 2002," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790.

A nonproprietary copy of these documents 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 stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- a. 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.
- b. 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 2.790 and, on the basis of your statements, have determined that subject to the conditions below, the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the requested portions of the documents listed above and identified by you as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(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 your request to withhold this information, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, please feel free to contact me at 301-415-2315.

Sincerely,

/RA/

Eva A. Brown, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: See next page

H.A. Sepp

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Docket Nos. 50-250 and 50-251

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Florida Power and Light Company

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