

May 26, 2000

Mr. H. A. Sepp
Manager, Regulatory and Licensing Engineering
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, Pennsylvania 15239-0355

SUBJECT: CRYSTAL RIVER, UNIT 3 - REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE

Dear Mr. Sepp:

By letter dated May 3, 2000, Florida Power Corporation (FPC) submitted a response to a Request for Additional Information which included information provided by Westinghouse Electric Company LLC (Westinghouse) and for which Westinghouse requested that it be withheld from public disclosure pursuant to Title 10, Code of Federal Regulations, Part 2, Section 790 (10 CFR 2.790). FPC forwarded a nonproprietary version of this information for placement in the public document room.

An affidavit dated April 19, 2000, executed by yourself for Westinghouse, the owner of the information, was included in the application. You stated that the submitted information, as identified in Attachment A to the FPC response, should be considered exempt from mandatory public disclosure. The reasons for withholding this information, as stated in your affidavit, were 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) 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.

The U.S. Nuclear Regulatory Commission (NRC) staff reviewed your affidavit and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submittal marked 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.

H.A. Sepp

- 2 -

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 should also 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 needs additional information from you or 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 on (301) 415-1495.

Sincerely,

/RA by Allen G. Hansen for/

L. A. Wiens, Senior Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-302

cc: See next page

H.A. Sepp

- 2 -

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Florida Power Corporation

**CRYSTAL RIVER UNIT NO. 3
GENERATING PLANT**

cc:

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