

August 8, 2001

Mr. Philip W. Richardson, Licensing Project Manager
Westinghouse Electric Company
P.O. Box 500 Mail Stop: 9391-1903
2000 Day Hill Road
Windsor, CT 06095

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
ST. LUCIE PLANT, UNIT NO. 1 (TAC NO. MB2224)

Dear Mr. Richardson:

By letter dated May 24, 2001, Florida Power & Light Company (FPL) submitted a report regarding the replacement of Reactor Coolant System Hot Leg Instrument Nozzle RC-126 at St. Lucie Unit No. 1. Included with FPL's letter were excerpted pages from Westinghouse Design Report DR-SL-9449-1260, Rev. 00, "Addendum to CENC-1253, Analytical Report for Florida Power & Light Co., St. Lucie Plant, Unit No. 1 Piping," dated 4/20/01. Also included was your affidavit dated May 9, 2001, requesting that portions of the excerpted pages from Design Report No. DR-SL-9449-1260, Rev. 00, be withheld from public disclosure pursuant to 10 CFR 2.790. A copy of the FPL letter, which includes a non-proprietary version of this document, has been placed in the U.S. Nuclear Regulatory Commission (NRC) public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library (Accession No. ML011500306).

Your affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- vi. Public disclosure of the information is likely to cause substantial harm to the competitive position of Westinghouse because:
 - a. A similar product is believed under development by major competitors of Westinghouse.
 - b. Development of this information by Westinghouse required hundreds of thousands of dollars and thousands of manhours of effort. A competitor would have to undergo similar expense in generating equivalent information.
 - c. The information consists of technical data and qualification information for repair or replacement of Alloy 600 nozzle assemblies, the application of which provides Westinghouse a competitive economic advantage. The availability of such information to competitors would enable them to design their product to better compete with Westinghouse, take marketing or other actions to improve their product's position or impair the position of Westinghouse's products, and avoid developing similar technical analysis in support of their processes, methods or apparatus.

- d. In pricing Westinghouse's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of Westinghouse's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
- e. Use of the information by competitors in the international marketplace would increase their ability to market competing systems by reducing the costs associated with their technology development.

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 the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information 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.

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 301-415-3974.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-335

cc: See next page

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 Brendan T. Moroney, Project Manager, Section 2
 Project Directorate II
 Division of Licensing Project Management
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***See previous concurrence**

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