

January 16, 2003

Mr. J. S. Galembush, Acting 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 SAINT LUCIE UNIT 1
(TAC NO. MB5917)

Dear Mr. Galembush:

By your letter and affidavit dated November 8, 2002, you requested that WCAP-15945-P, "Structural Integrity Evaluation of Reactor Vessel Upper Head Penetrations to Support Continued Operation (Proprietary)," for St. Lucie Unit 1 be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790.

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (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. 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.

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 document listed above and identified 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, you may contact Eva Brown at 301-415-2315.

Sincerely,

/RA by E.Brown Acting for/

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

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, you may contact Eva Brown at 301-415-2315.

Sincerely,

/RA by E.Brown acting for/

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: next page

DISTRIBUTION:

PUBLIC PDII-2 Reading File B. Clayton (Hard Copy) M. Siemien, OGC
H. Berkow A. Howe E. Brown B. Moroney L. Wert, RII

ADAMS ACCESSION NUMBER:ML030160798

*See previous concurrence

OFFICE	PDII-2/PM	PDII-2/PM	PDII-2/LA	OGC	PDII-2/SC
NAME	EBrown for BMoroney	EBrown	BClayton	MSiemien*	AHowe
DATE	01/14/03	01/14/03	01/09/03	01/03/03	01/10/03

OFFICIAL RECORD COPY

Florida Power and Light Company

ST. LUCIE PLANT

cc:

Mr. J. A. Stall
Senior Vice President, Nuclear and
Chief Nuclear Officer
Florida Power and Light Company
P.O. Box 14000
Juno Beach, Florida 33408-0420

Senior Resident Inspector
St. Lucie Plant
U.S. Nuclear Regulatory Commission
P.O. Box 6090
Jensen Beach, Florida 34957

Craig Fugate, Director Division of
Emergency Preparedness
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100

M. S. Ross, Attorney
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. Douglas Anderson
County Administrator
St. Lucie County
2300 Virginia Avenue
Fort Pierce, Florida 34982

Mr. William A. Passetti, Chief
Department of Health
Bureau of Radiation Control
2020 Capital Circle, SE, Bin #C21
Tallahassee, Florida 32399-1741

Mr. Donald E. Jernigan, Site Vice President
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

Mr. R. E. Rose
Plant General Manager
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

Mr. Kelly J. Korth
Licensing Manager
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

Mr. William Jefferson
Vice President, Nuclear Operations Support
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. Rajiv S. Kundalkar
Vice President - Nuclear Engineering
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. J. Kammel
Radiological Emergency
Planning Administrator
Department of Public Safety
6000 SE. Tower Drive
Stuart, Florida 34997