

January 16, 2003

Mr. Scott H. Pellet, Project Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: HOLTEC INTERNATIONAL REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE FOR SAINT LUCIE UNIT 1 (TAC NO. MB6864)

Dear Mr. Pellet:

By Florida Power & Light Company's letter dated November 25, 2002, and your affidavit dated November 12, 2002, you requested that Holtec Report HI-2022940, Revision 0, "St. Lucie Unit 1 Spent Fuel Pool Storage Rack Boraflex Remedy," 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. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies;
- b. Information which, if used 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 of a similar product.
- c. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
- d. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

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

S. Pellet

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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 Eva Brown 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

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H. Berkow A. Howe E. Brown B. Moroney J. Munday, RII

ADAMS ACCESSION NUMBER: ML030160893

*See previous concurrence

OFFICE	PDII-2/PM	PDII-2/PM	PDII-2/LA	OGC*	PDII-2/SC
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