

May 8, 2003

Mr. Norton L. Shapiro  
Advisory Engineer  
CE Engineering Technology  
Westinghouse Electric Company LLC (WEC)  
Nuclear Services  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY LLC (WEC), REQUEST FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR  
ST. LUCIE, UNITS 1 AND 2 (TAC NOS. MB3406 AND MB3412 )

Dear Mr. Shapiro:

By letter dated November 27, 2002, Florida Power and Light Company submitted an affidavit dated November 19, 2002, executed by Joan C. Hastings, requesting that the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

- Calculation CN-CI-02-69, Rev. 0, "Evaluation of Fatigue Crack Growth Associated with Small Diameter Nozzles for St. Lucie 1&2," October 2002.

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 (ADAMS Accession No. ML023380251).

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

Pursuant to 10 CFR 2.790(b)(4) of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information included in the document identified above should be withdrawn from public disclosure.

1. The information sought to be withheld from public disclosure is owned and has been held in confidence by WEC. It consists of analyses of flaws left in place following repairs to various small nozzles in the reactor coolant pressure boundary.
2. The information consists of analyses or other similar data concerning a process, method or component, the application of which results in substantial competitive advantage to WEC.

3. The information is of a type customarily held in confidences by WEC and not customarily disclosed to the public.
4. The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence by the Commission.
5. The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements that provide for maintenance of the information in confidence.
6. Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC because:
  - a. A similar product or service is provided by major competitors of WEC.
  - b. WEC has invested substantial funds and engineering resources in the development of this information. A competitor would have to undergo similar expense in generating equivalent information.
  - c. The information consists of analyses of flaws left in place following repairs to various small nozzles in the reactor coolant pressure boundary, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to design their product or services to better compete with WEC, take marketing or other actions to improve their product's position or impair the position of WEC's product, and avoid developing similar technical analysis in support of their processes, methods or apparatus.
  - d. Significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included in pricing WEC's products and services. The ability of WEC'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 comparable products or services by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licenses.

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 301-415-1154.

Sincerely,

**/RA/**

Noel Dudley, Senior Project Manager  
License Renewal Section  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-335 and 50-389

cc: See next page

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Noel Dudley, Senior Project Manager  
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Office of Nuclear Reactor Regulation

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N. Dudley

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