May 19, 2003

Mr. Ian C. Rickard
Licensing Project Manager
Westinghouse Electric Company
CE Nuclear Power, LLC
P.O. Box 500
2000 Day Hill Road
Windsor, CT 06095-0500

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY LLC - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR SAINT LUCIE UNITS 1 AND 2 (TAC NOS. MB7199 AND MB7200)

Dear Mr. Rickard:

By Florida Power & Light Company's letter dated April 23, 2003, and your affidavit dated March 13, 2003, you submitted CR-9417-CSE95-1102, Revision 2, Structural Analysis of Replacement Instrument Nozzles and Heater Sleeves for Florida Power & Light - St. Lucie #1 & 2 Pressurizer, #1 & 2 piping, and #2 Steam Generator, January 1996, and requested that it 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. A similar product is manufactured and sold by major competitors of WEC [Westinghouse Electric Co.].

b. WEC invested substantial funds and engineering resources in the development of this information. A competitors would have to undergo similar expense in generating equivalent information.

c. The information consists of analyses demonstrating the structural integrity of a standard repair design for various St. Lucie Unit 1 and 2 partial penetration nozzles, the application provides a competitive economic advantage. The availability of such information to competitors would enable them to design their product 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 a competing product, 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, you may contact Ms. Eva Brown at 301-415-2315.

Sincerely,

/RA/

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

Docket Nos. 50-335 and 50-389

cc: See next page

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Sincerely,
/RA/

Brendan T. Moroney, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
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