

July 10, 2003

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

SUBJECT: TURKEY POINT PLANT UNITS 3 AND 4 - REQUEST FOR ADDITIONAL
INFORMATION REGARDING REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE (TAC NOS. MB6909 AND MB6910)

Dear Mr. Pellet:

By your application dated November 26, 2002 and your affidavit dated November 11, 2002, you submitted the Holtec Report HI-2022931, "Spent Fuel Pool Storage Expansion at Turkey Point Nuclear Plant for Florida Power & Light," and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790.

Section 2.790(b)(1)(ii) of 10 CFR Part 2 of the Commission's regulations requires that each supporting affidavit contain a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. The section further requires the statement to "address with specificity" the considerations listed in 10 CFR 2.790(b)(4).

Your affidavit has been reviewed in light of the aforementioned paragraphs of the regulations and the U.S. Nuclear Regulatory Commission (NRC) staff noted that information on page 6-24 of the Holtec Report HI-2022931, concerning a Lawrence Livermore National Laboratory Report (LLNL), was identified as proprietary even though it appears to not contain commercial information that would meet the criteria of information sought to be withheld from public disclosure as stated in 10 CFR 2.790.

Accordingly, consideration should be given to supplementing the present record with additional factual information. If such action is taken, it is suggested that you furnish specific factual information for your application indicating a detailed justification of why the information related to the LLNL report meets the criteria of 10 CFR 2.790.

In summary, we have determined that your affidavit is not in conformity with 10 CFR 2.790(b) of the Commission's regulations inasmuch as it fails to address the considerations of paragraph (b)(4) with sufficient specificity to enable us to make the required determination under 10 CFR 2.790(b). Consequently, we are unable to conclude at this time that the information referenced in the affidavit is proprietary.

S. H. Pellet

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In accordance with 10 CFR 2.790(c), the information sought to be withheld will be placed in the Commission's Public Document Room 30 days after your receipt of this letter unless you either seek to withdraw the information requested to be withheld or provide the NRC with an amended affidavit meeting the requirements of 10 CFR 2.790(b). If you request that the information be withdrawn, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure and returned to you.

Sincerely,

/RA by Brendan Moroney for/

Eva A. Brown, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: See next page

In accordance with 10 CFR 2.790(c), the information sought to be withheld will be placed in the Commission's Public Document Room 30 days after your receipt of this letter unless you either seek to withdraw the information requested to be withheld or provide the NRC with an amended affidavit meeting the requirements of 10 CFR 2.790(b). If you request that the information be withdrawn, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure and returned to you.

Sincerely,

/RA by Brendan Moroney for/

Eva A. Brown, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: See next page

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OFFICIAL RECORD COPY

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cc:

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