

# REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

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 FACIL: 50-389 St. Lucie Plant, Unit 2, Florida Power & Light Co. 05000389  
 AUTH. NAME: AUTHOR AFFILIATION  
 UHRIG, R. E. Florida Power & Light Co.  
 RECIP. NAME: RECIPIENT AFFILIATION  
 EISENHUT, D. G. Division of Licensing

SUBJECT: Forwards proprietary & nonproprietary, "Preliminary  
 Assessment of St. Lucie 2 Fuel Structural Integrity Under  
 Faulted Conditions."; Affidavit for withholding encl.

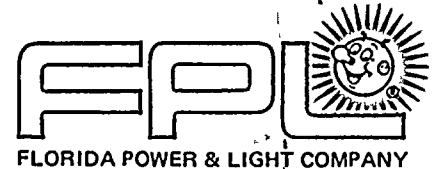
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## NOTES:

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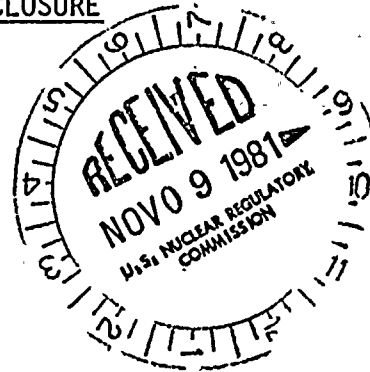




November 4, 1981  
L-81-471

WITHHOLD ENCLOSURES FROM PUBLIC DISCLOSURE

Office of Nuclear Reactor Regulation  
Attention: Mr. Darrell G. Eisenhut, Director  
Division of Licensing  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555



Dear Mr. Eisenhut:

Re: St. Lucie Unit 2  
Docket No. 50-389  
Proprietary Data on Seismic and LOCA Fuel Analysis

In response to question 490.1 for St. Lucie Unit 2, Florida Power & Light Company is supplying Combustion Engineering proprietary data on preliminary results of seismic and LOCA fuel analysis. The proprietary data are included in the enclosed report, CEN-187(L)-P, "Preliminary Assessment of St. Lucie Unit 2 Fuel Structural Integrity Under Faulted Conditions", Combustion Engineering, Inc., October 27, 1981 (Copies 0001-0003). Non-proprietary copies (3) are also enclosed. This report should be supplied to Mr. R. Gupta.

Pursuant to 10 CFR 2.790, the NRC is requested to withhold this information from public disclosure. An affidavit which supports that request is enclosed. It is recognized that withholding this information from public inspection shall not affect the right, if any, of persons properly and directly concerned with the inspection of the proprietary information.

If you should have any questions concerning the proprietary nature of the material submitted, please address these questions directly to:

Mr. A. E. Scherer  
Director of Licensing (9438-1922)  
Combustion Engineering  
1000 Prospect Hill Road  
Windsor, CT 06095

We request that you provide FPL a copy of any questions addressed to Combustion Engineering.

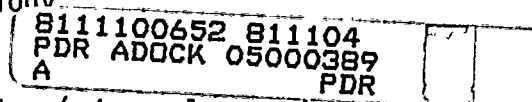
Very truly yours,

*J. A. de Mastey*

Robert E. Uhrig  
Vice President  
Advanced Systems & Technology

REU/TCG/ah  
Enclosures

cc: Harold F. Reis, Esquire (w/o enclosures)  
J.P. O'Reilly, Director, Region II (w/o enclosures)



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AFFIDAVIT PURSUANT

TO 10 CFR 2.790

Combustion Engineering, Inc.     )  
State of Connecticut            )  
County of Hartford             )     SS.:

I, A. E. Scherer depose and say that I am the Director, Nuclear Licensing of Combustion Engineering, Inc., duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and referenced in the paragraph immediately below. I am submitting this affidavit in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations and in conjunction with the application of Florida Power and Light Company for withholding this information.

The information for which proprietary treatment is sought is contained in the following document:

CEN-187(L) - P, Preliminary Assessment of St. Lucie 2 Fuel Structural Integrity Under Faulted Conditions, October 27, 1981.

This document has been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by Combustion Engineering in designating information as a trade secret, privileged or as confidential commercial or financial information.

Pursuant to the provisions of paragraph (b) (4) of Section 2.790 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure, included in the above referenced document, should be withheld.



1. The information sought to be withheld from public disclosure are the preliminary results of the St. Lucie 2 seismic and LOCA fuel analysis, which is owned and has been held in confidence by Combustion Engineering.

2. The information consists of test data or other similar data concerning a process, method or component, the application of which results in a substantial competitive advantage to Combustion Engineering.

3. The information is of a type customarily held in confidence by Combustion Engineering and not customarily disclosed to the public. Combustion Engineering has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The details of the aforementioned system were provided to the Nuclear Regulatory Commission via letter DP-537 from F.M. Stern to Frank Schroeder dated December 2, 1974. This system was applied in determining that the subject documents herein are proprietary.

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 which 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 Combustion Engineering because:

a. A similar product is manufactured and sold by major pressurized water reactors competitors of Combustion Engineering.

b. Development of this information by C-E required thousands of manhours and tens of thousands of dollars. To the best of my knowledge and belief a competitor would have to undergo similar expense in generating equivalent information.

c. In order to acquire such information, a competitor would also require considerable time and inconvenience related to the seismic and LOCA analysis for St. Lucie 2 fuel.

d. The information required significant effort and expense to obtain the licensing approvals necessary for application of the information. Avoidance of this expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable.

e. The information consists of preliminary results of the St. Lucie 2 seismic and LOCA fuel analysis, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Combustion Engineering, take marketing or other actions to improve their product's position or impair the position of Combustion Engineering's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.

f. In pricing Combustion Engineering's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included.






The ability of Combustion Engineering's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

g. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on Combustion Engineering's potential for obtaining or maintaining foreign licensees.

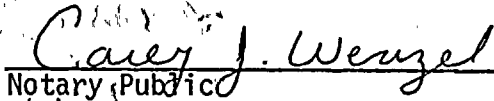
Further the deponent sayeth not.



A. E. Scherer  
Director  
Nuclear Licensing

Sworn to before me

this 28<sup>th</sup> day of October, 1981

  
Notary Public

CAREY J. WENZEL, NOTARY PUBLIC  
State of Connecticut No. 59962  
Commission Expires March 31, 1983

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