



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

June 8, 1989

Docket No. 50-335

Mr. A. E. Scherer, Director  
Nuclear Licensing  
Combustion Engineering, Inc.  
1000 Prospect Hill Road  
Windsor, Connecticut 06095-0500

Dear Mr. Scherer:

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE -  
ST. LUCIE UNIT 1

By your application and affidavit dated July 28, 1988, you submitted CEN-377(F)-P, "St. Lucie Unit 1 Steam Generator Tube Repair Using Leak Tight Sleeves," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790.

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

1. The information sought to be withheld from public disclosure has been held in confidence by Combustion Engineering;
2. The information is of a type customarily held in confidence by Combustion Engineering and not customarily disclosed to the public;
3. The information has been transmitted to the Commission in confidence;
4. The information sought to be protected is not available in public sources; and
5. Public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of Combustion Engineering for the following reasons:
  - a. 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;
  - b. The information consists of a description of the design, manufacture, testing and installation of steam generator tube welded sleeves, the application of which provides a competitive economic advantage; and
  - c. A similar product is manufactured and sold by major pressurized water reactor competitors of Combustion Engineering.

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June 8, 1989

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 trade secrets or proprietary commercial information.

Therefore, CEN-377(F)-P, "St. Lucie Unit 1 Steam Generator Tube Repair Using Leak Tight Sleeves" 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 disclosure 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.

Sincerely,

Original signed by

Jan A. Norris, Senior Project Manager  
Project Directorate II-2  
Division of Reactor Projects I/II  
Office of Nuclear Reactor Regulation

cc: See next page

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[LETTER/A. E. SCHERER/ST. LUCIE]

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Dear Sir,  
I have the honor to acknowledge the receipt of your letter of the 14th inst. regarding the matter mentioned therein. I am sorry that I cannot give you a more definite answer at this time, but the matter is still under consideration.

I am sure that you will understand the need for a thorough review of the situation before a final decision can be reached. I will be glad to discuss this matter further with you at any time.

I am, Sir, very truly yours,  
[Signature]

Very truly yours,  
[Signature]

Very truly yours,  
[Signature]

Very truly yours,  
[Signature]

Mr. A. E. Scherer  
Florida Power & Light Company

St. Lucie Plant

cc:

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