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       50-389 St. Lucie Plant, Unit 2, Florida Power & Light Co.    05000389  
 AUTH. NAME    AUTHOR AFFILIATION  
 STALL, J.A.    Florida Power & Light Co.  
 RECIP. NAME    RECIPIENT AFFILIATION  
                   Document Control Branch (Document Control Desk) *See Report*

SUBJECT: Forwards complete replacements of non-proprietary & proprietary versions of repts CEN-405-NP, Rev 0 & CEN-405-P, Rev 2. In 960827 telecon, NRC requested these revs to remove specific proprietary restrictions on CEN-405-P.

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September 23, 1996

L-96-233  
10 CFR 50.4  
10 CFR 50.61  
10 CFR 2.790

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D. C. 20555

RE: St. Lucie Units 1 and 2  
Docket Nos. 50-335 and 50-389  
10 CFR 50.61 Evaluation of Pressurized Thermal  
Shock of Reactor Vessel Beltline Materials - Supplement

Florida Power and Light Company (FPL) letter, L-96-112 dated May 24, 1996, submitted the 10 CFR 50.61(b)(1) pressurized thermal shock information for the St. Lucie Units 1 and 2 reactor vessel beltline materials. Included with the referenced letter were copies of the proprietary and non-proprietary versions of Combustion Engineering Owners Group report CEN-405, *Application of Reactor Vessel Surveillance Data for Embrittlement Management*. CEN-405-P Revision 2 was the proprietary version and CEN-405-NP was the non-proprietary version of the report. The NRC subsequently determined that CEN-405-P identified information that was not considered to be proprietary. In a telephone conference call on August 27, 1996, between the NRC Staff and ABB-CE, the NRC cited specific sections they considered non-proprietary. At the conclusion of the call ABB-CE agreed to remove the proprietary restrictions on CEN-405-P as requested with the exception of Appendix C to that report.

Enclosure A, CEN-405-NP, Revision 1, is a complete replacement of the non-proprietary version of the report, CEN-405-NP, Revision 0. Enclosure B, CEN-405-P, Revision 3, is a complete replacement of the proprietary version of the report, CEN-405-P, Revision 2. The disclosure of Enclosure B would compromise trade secrets and commercial information considered by Combustion Engineering, Inc. as privileged or confidential. Pursuant to 10 CFR 2.790(a)(4), FPL requests that the enclosed copy of report CEN-405-P be withheld from public disclosure. The affidavit, required by 10 CFR 2.790(b), supporting this request and executed by an authorized representative of Combustion Engineering, Inc., is attached. The NRC is requested to return the original copies of CEN-405-P, Revision 3, or confirm destruction of the original copies submitted to the NRC Document Control Desk, the Regional Administrator, Region II, and the Senior Resident Inspector, St. Lucie Plant.

Very truly yours,

J. A. Stall  
Vice President  
St. Lucie Plant

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cc: Stewart D. Ebnetter, Regional Administrator, Region II, USNRC  
Senior Resident Inspector, USNRC, St. Lucie Plant



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AFFIDAVIT PURSUANT

TO 10 CFR 2.790

I, Ian C. Rickard, depose and say that I am the Director, Operations 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 conjunction with the application of Florida Power and Light and in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations.

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

CEN-405-P, Rev. 3, "Application of Reactor Vessel Surveillance Data for Embrittlement Management," September 1996.

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, is owned and has been held in confidence by Combustion Engineering. It consists of the details concerning the fabrication process, material properties, and

surveillance data used to develop an approach to ascertain the embrittlement of reactor vessels.


2. The information consists of test data or other similar data concerning a process, method or component, the application of which results in 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 document herein is 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 reactor competitors of Combustion Engineering.
  - b. Development of this information by Combustion Engineering required hundreds of thousands of dollars and thousands of

manhours of effort. A competitor would have to undergo similar expense in generating equivalent information.

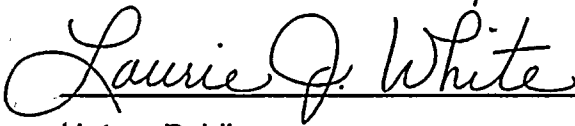
- c. In order to acquire such information, a competitor would also require considerable time and inconvenience to develop a similar approach to ascertain the embrittlement of reactor vessels given detailed knowledge of the fabrication process, material properties, and surveillance data.
- d. The information consists of the details concerning the fabrication process, material properties, and surveillance data used to develop an approach to ascertain the embrittlement of reactor vessels, 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.
- e. 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.
- f. 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.

  
\_\_\_\_\_  
Ian G. Riekard  
Director, Operations Licensing

Sworn to before me  
this 13<sup>th</sup> day of September, 1996

  
\_\_\_\_\_  
Notary Public  
My commission expires: 8/31/99

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STANDARD  
MAGNIFICENT  
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