

50-335/389



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 11, 1996

Mr. Thomas F. Plunkett  
President, Nuclear Division  
Florida Power and Light Company  
Post Office Box 14000  
Juno Beach, Florida 33408-0420

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
ST. LUCIE PLANT, UNITS 1 AND 2 (TAC NOS. M95484 AND M95485)

Dear Mr. Plunkett:

An application dated May 14, 1996, from Mr. W. H. Bohlke, Florida Power and Light Company, included a copy of Combustion Engineering Owners Group report CEN-405-P Revision 2, "Application of Reactor Vessel Surveillance Data for Embrittlement Management," July 1993. This document was submitted in support of pressurized thermal shock evaluations for the reactor vessel beltline materials for St. Lucie, Units 1 and 2, and was requested to be withheld from public disclosure pursuant to 10 CFR 2.790. The NRC subsequently determined that some of the information requested to be withheld was already available to the public and therefore was not considered to be proprietary. By letter dated September 23, 1996, Florida Power and Light (FPL) submitted CEN-405-P, Revision 3, which removed the proprietary restrictions on those portions of the report which were available to the public. A new affidavit dated September 13, 1996, signed by Mr. Ian Rickard of Combustion Engineering, Inc., requested that CEN-405-P, Revision 3 be withheld from public disclosure.

The reasons for requesting withholding of this information were:

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 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,

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Mr. Thomas F. Plunkett

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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.

4. 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.

We have reviewed the September 13, 1996, application and all of the supporting information in accordance with the requirements of 10 CFR 2.790 and, on the basis of Mr. Rickard's statement, have determined that the submitted material sought to be withheld contains proprietary commercial information. Therefore, the proprietary information will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act, 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 disclosure should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also 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.

As requested in the September 13, 1996, FPL letter, we have taken action to assure destruction of original copies of CEN-405-P, Revision 2, submitted to the NRC Document Control Desk, the Region II Regional Administrator, and the St. Lucie Senior Resident Inspector.

Sincerely,



Leonard A. Wiens, Senior Project Manager  
Project Directorate II-3  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

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and 50-389

cc: See next page

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Sincerely,  
Original signed by  
Leonard A. Wiens, Senior Project Manager  
Project Directorate II-3  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

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and 50-389

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DATE	10/14/96	10/3/96	10/9/96	10/15/96	10/11/96		

Mr. T. F. Plunkett  
Florida Power and Light Company

St. Lucie Plant

cc:

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