50-335

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

March 13, 1997

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, UNIT 1 (TAC NO. M97471)

Dear Mr. Plunkett:

A letter dated February 13, 1997, from Mr. J. A. Stall, Florida Power and Light Company, included a document prepared by Siemens Power Corporation (SPC) which provided clarifying information related to a proposed license amendment for reactor core safety limit. It was requested that this document be withheld from public disclosure pursuant to 10 CFR 2.790. A non-proprietary version was also submitted. An affidavit dated January 31, 1997, signed by R. A. Copeland of SPC was included in the submittal in support of this request.

The reasons for requesting withholding of this information were:

1. The information contained in the document is considered to be proprietary by SPC because it reveals certain distinguishing aspects of SPC licensing methodology which secure competitive advantage to SPC for fuel design optimization and marketability, and includes information utilized by SPC in its business which affords SPC an opportunity to obtain a competitive advantage over its competitors who do not or may not know or use the information contained in the document.

2. The disclosure of the proprietary information contained in the document to a competitor would permit the competitor to reduce its expenditure of money and manpower and to improve its competitive position by giving it valuable insights into SPC licensing methodology and would result in substantial harm to the competitive position of SPC.

3. Information in this document provides insight into SPC licensing methodology developed by SPC. SPC has invested significant resources in developing the methodology as well as the strategy for this application. Assuming a competitor had available the same background data and incentives as SPC, the competitor might, at a minimum, develop the information for the same expenditure of manpower and money as SPC.

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

ST. LUCIE PLANT

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We have reviewed the January 31, 1997, application and all of the supporting information in accordance with the requirements of 10 CFR 2.790 and, on the basis of R. A. Copeland's statement, have determined that the submitted material sought to be withheld contains proprietary commercial information. Therefore, the version of the submitted information 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, 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.

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

Docket No. 50-335

cc: See next page

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