



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 2, 1999

Mr. H. A. Sepp
Manager, Regulatory and Licensing Engineering
Westinghouse Electric Company
P.O. Box 355
Pittsburg, Pennsylvania 15239-0355

SUBJECT: CRYSTAL RIVER, UNIT 3 - REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE

Dear Mr. Sepp:

By letter dated September 16, 1999, Florida Power Corporation (FPC) submitted a license amendment request, which included a Westinghouse Electric Company LLC (Westinghouse) report titled "Crystal River Unit 3 Enhanced Spent Fuel Storage Project Engineering Input to License Amendment Request No. 239," and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. FPC forwarded a nonproprietary version of this report for placement in the public document room.

An affidavit dated August 27, 1999, executed by yourself for Westinghouse, the owner of the information, was included in the application. You stated that the submitted information, as identified in the report, should be considered exempt from mandatory public disclosure. The reasons for withholding this information, as stated in your affidavit, were as follows:

- (a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
- (b) Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.

The U.S. Nuclear Regulatory Commission (NRC) staff reviewed your affidavit 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 and should be withheld from public disclosure.

Therefore, we have determined that the Westinghouse report entitled "Crystal River Unit 3 Enhanced Spent Fuel Storage Project Engineering Input to License Amendment Request No. 239," 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 inspection 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.

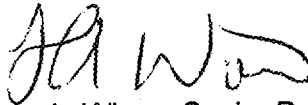
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H. Sepp

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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 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 needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached on (301) 415-1495.



L. A. Wiens, Senior Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-302

cc: See next page

Florida Power Corporation

**CRYSTAL RIVER UNIT NO. 3
GENERATING PLANT**

cc:

Mr. John Paul Cowan, Vice President
Nuclear Operations (NA1B)
ATTN: Manager Nuclear Licensing
Florida Power Corporation
Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

Mr. R. Alexander Glenn
Corporate Counsel (MAC-BT15A)
Florida Power Corporation
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Mr. Charles G. Pardee, Director
Nuclear Plant Operations (PA4A)
Florida Power Corporation
Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

Mr. Michael A. Schoppman
Framatome Technologies Inc.
1700 Rockville Pike, Suite 525
Rockville, Maryland 20852

Mr. William A. Passetti, Chief
Department of Health
Bureau of Radiation Control
2020 Capital Circle, SE, Bin #C21
Tallahassee, Florida 32399-1741

Attorney General
Department of Legal Affairs
The Capitol
Tallahassee, Florida 32304

Mr. Joe Myers, Director
Division of Emergency Preparedness
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100

Chairman
Board of County Commissioners
Citrus County
110 North Apopka Avenue
Inverness, Florida 34450-4245

Ms. Sherry L. Bernhoft, Director
Nuclear Regulatory Affairs (NA2H)
Florida Power Corporation
Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

Senior Resident Inspector
Crystal River Unit 3
U.S. Nuclear Regulatory Commission
6745 N. Tallahassee Road
Crystal River, Florida 34428

Mr. Gregory H. Halnon
Director, Quality Programs (SA2C)
Florida Power Corporation
Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

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Original signed by:

L. A. Wiens, Senior Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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cc: See next page

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