

July 21, 2003

Mr. Ian C. Rickard, Licensing Project Manager
Westinghouse Electric Company
CE Nuclear Power, LLC
P.O. Box 500
2000 Day Hill Road
Windsor, CT 06095-0500

SUBJECT: FLORIDA POWER & LIGHT COMPANY REQUESTS FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR SAINT LUCIE UNIT 2
(TAC NO. MB7317)

Dear Mr. Rickard:

By Florida Power & Light Company's letter dated January 23, 2003, and your affidavit dated November 11, 2002, you requested that Report WCAP -15975-P, Revision 0, "NDE Inspection Strategy for the Tubesheet Region in Saint Lucie Unit 2," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790.

A nonproprietary copy of this document has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- a. The information sought to be withheld from public disclosure is owned and has been held in confidence by WEC [Westinghouse Electric Company, LLC].
- b. The information is of a type customarily held in confidence by WEC and not customarily disclosed to the public.
- c. 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.
- d. WEC has invested substantial funds and engineering resources in the development of this information.
- e. The information consists of test data that establish a conservative distance below the secondary face of the tubesheet in the St. Lucie Unit 2 steam generators for conducting non-destructive examinations, the application of which provides WEC a competitive economic advantage. The availability of such information to competitors would enable them to design their product or service to better compete with WEC, take marketing or other actions to improve their product's position or impair

the position of WEC's product, and avoid developing similar technical analysis in support of their processes, methods, or apparatus.

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 proprietary commercial information and should be withheld from public disclosure.

Therefore, the document listed above and identified 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.

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.

If you have any questions regarding this matter, you may contact me at 301-415-3974.

Sincerely,

/RA by Eva Brown for/

Brendan T. Moroney, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-389

cc: See next page

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Brendan T. Moroney, Project Manager, Section 2
Project Directorate II
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DATE	7/18/03	7/18/03	7/18/03	7/18/03	7/18/03

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