

August 8, 2003

Mr. Scott H. Pellet, Project Manager
Holtec International
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: HOLTEC INTERNATIONAL REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE FOR TURKEY POINT UNITS 3 AND 4
(TAC NOS. MB6909 AND MB6910)

Dear Mr. Pellet:

By letter dated November 26, 2002, and affidavit dated November 11, 2002, as supplemented by the July 16, 2003, Holtec Request for Additional Information (RAI) response, Florida Power & Light Company requested that Holtec Report HI-2022931, "Spent Fuel Pool Storage Expansion at Turkey Point Nuclear Plant for Florida Power & Light," be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790.

A nonproprietary version of Holtec Report HI-2022931, as supplemented, has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Publicly Available Records System (ADAMS PARS) library.

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

- a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies;
- b. Information which, if used 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 of a similar product;
- c. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
- d. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

The NRC staff noted that Holtec's RAI response corrected sections of the Holtec Report HI-2022931 by clarifying the designation of information taken from a Lawrence Livermore National Laboratory Report as non-proprietary. The NRC staff has reviewed your application, the material, and the Holtec RAI response 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 supplemented version of Holtec Report 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.

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 301-415-2315.

Sincerely,

/RA/

Eva A. Brown, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: See next page

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Eva A. Brown, Project Manager, Section 2
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Mr. Scott Pellet
Holtec International

TURKEY POINT PLANT

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