

November 6, 2003

Mr. Norton L. Shapiro, Advisory Engineer
CE Engineering Technology
Westinghouse Electric Company, LLC
P.O. Box 500
2000 Day Hill Road
Windsor, CT 06095-0500

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY, LLC, REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR
SAINT LUCIE UNIT 1 (TAC NO. MC1711)

Dear Mr. Shapiro:

By letter dated October 15, 2003, Florida Power and Light Company submitted an affidavit dated December 4, 2002, executed by you, in which you requested that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790:

CN-CI-02-51 Rev. 00: RCS Hot Leg RTD Nozzle and Flow Measurement Nozzle
Repair - Design Verification for St. Lucie Units 1 and 2, September 2002

CN-CI-02-56 Rev. 00: Section XI Flaw Evaluation of Florida Power and Light
Units 1 and 2 Hot Leg Instrumentation Nozzles J-Weld, September 2002

Nonproprietary copies of these documents have 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:

1. The information sought to be withheld from public disclosure is owned and has been held in confidence by WEC [Westinghouse Electric Company]. It consists of analyses of flaws left in place following repairs to certain small nozzles in the reactor coolant pressure boundary and analyses of weld repairs to such nozzles.
2. The information consists of analyses or other similar data concerning a process, method or component, the application of which results in substantial competitive advantage to WEC.

3. The information is of a type customarily held in confidence by WEC and not customarily disclosed to the public.
4. 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.
5. The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements that provide for maintenance of the information in confidence
6. Public disclosure of the information is likely to cause substantial harm to the competitive position of WEC because:
 - a. A similar product or service is provided by major competitors of WEC.
 - b. WEC has invested substantial funds and engineering resources in the development of this information. A competitor would have to undergo similar expense in generating equivalent information.
 - c. The information consists of analyses of flaws left in place following repairs to certain small nozzles in the reactor coolant pressure boundary and analyses of weld repairs to such nozzles, the application of which provides 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.
 - d. Significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included in pricing WEC's products and services. The ability of WEC's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.
 - a. Use of the information by competitors in the international marketplace would increase their ability to market comparable products or services by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on WEC's potential for obtaining or maintaining foreign licenses.

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.

Mr. Norton L. Shapiro

- 3 -

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 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, I may be reached at 301-415-3974.

Sincerely,

/RA/

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

Docket No. 50-335

cc: See next page

Mr. Norton L. Shapiro

- 3 -

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 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, I may be reached at 301-415-3974.

Sincerely,

/RA/

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

Docket No. 50-335

cc: See next page

DISTRIBUTION:

PUBLIC	PDII-2 Reading File	B. Clayton (Hard Copy)	OGC	E. Hackett
A. Howe	E. Brown	B. Moroney	J. Munday, RII	

ADAMS ACCESSION NUMBER: ML033110093

OFFICE	PDII-2/PM	PDII-2/NSIP	PDII-2/LA	OGC	PDII-2/SC
NAME	BMoroney	LMiller	BClayton	STurk	AHowe
DATE	11/5/2003	11/05/2003	11/5/2003	11/6/2003	11/7/2003

OFFICIAL RECORD COPY

Florida Power and Light Company

cc:

Mr. J. A. Stall
Senior Vice President, Nuclear and
Chief Nuclear Officer
Florida Power and Light Company
P.O. Box 14000
Juno Beach, Florida 33408-0420

Senior Resident Inspector
St. Lucie Plant
U.S. Nuclear Regulatory Commission
P.O. Box 6090
Jensen Beach, Florida 34957

Craig Fugate, Director Division of
Emergency Preparedness
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100

M. S. Ross, Attorney
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. Douglas Anderson
County Administrator
St. Lucie County
2300 Virginia Avenue
Fort Pierce, Florida 34982

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

Mr. William Jefferson, Jr.
Site Vice President
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

ST. LUCIE PLANT

Mr. G. L. Johnston
Plant General Manager
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

Mr. Terry L. Patterson
Licensing Manager
St. Lucie Nuclear Plant
6351 South Ocean Drive
Jensen Beach, Florida 34957

Vice President, Nuclear Operations Support
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. Rajiv S. Kundalkar
Vice President - Nuclear Engineering
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. J. Kammel
Radiological Emergency
Planning Administrator
Department of Public Safety
6000 SE. Tower Drive
Stuart, Florida 34997