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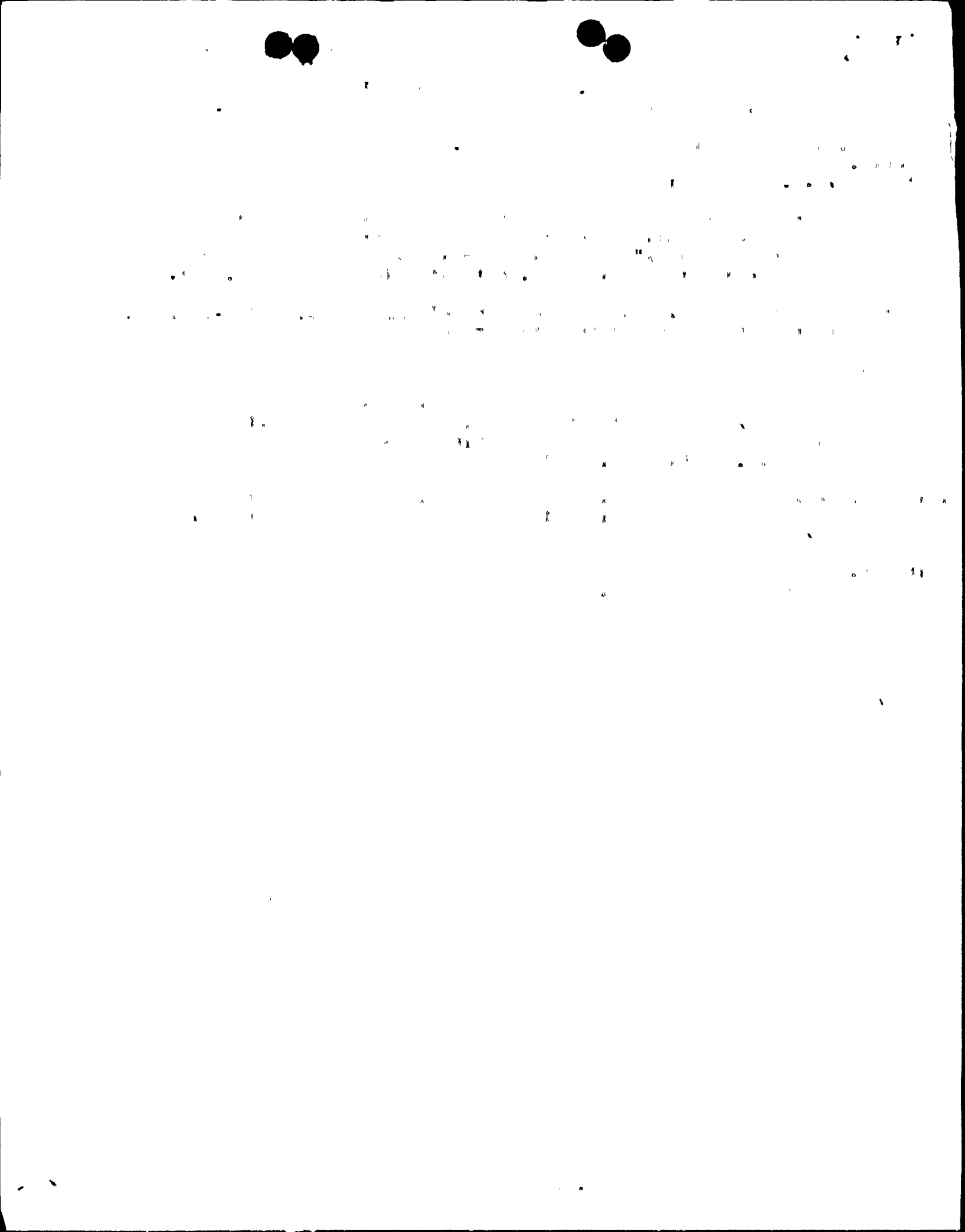
ACCESSION NBR: 8301110569 DOC. DATE: 82/12/29 NOTARIZED: YES DOCKET #
 FACIL: 50-389 St. Lucie Plant, Unit 2, Florida Power & Light Co. 05000389
 AUTH. NAME AUTHOR AFFILIATION
 UHRIG, R.E. Florida Power & Light Co.
 RECIP. NAME RECIPIENT AFFILIATION
 EISENHUT, D.G. Division of Licensing

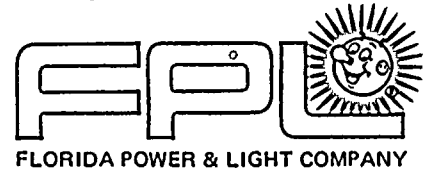
SUBJECT: Forwards C-E proprietary rept, "Engineering Evaluation & Functional Testing for C-E Pass Components & Instrumentation," supporting on-line instrumentation in post-accident sampling sys. Rept withheld (ref 10CFR2.790)

DISTRIBUTION CODE: PB01S COPIES RECEIVED: LTR 1 ENCL 3 SIZE: 9+202
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EXTERNAL: ACRS 06 NRC PDR	10 0 1 0	LPDR NTIS	1 0 1 0





December 29, 1982
L-82-558

Office of Nuclear Reactor Regulations
Attention: Mr. Darrell G. Eisenhut, Director
Division of Licensing
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Eisenhut:

Re: ST. LUCIE UNIT NO. 2
DOCKET NO. 50-389
REPORT ON PASS VALVE OPERABILITY AND
INSTRUMENTATION TESTING

- Enclosures: 1) "Engineering Evaluation and Functional Testing for the C-E PASS Components and Instrumentation", CEN-229(L)-P, Combustion Engineering, Inc., November 1982, Copies 0001 to 0003.
2) Affidavit from Combustion Engineering attesting to the proprietary nature of Enclosure 1.

Florida Power and Light is supplying proprietary information from Combustion Engineering in the enclosed report. This report provides the data submittal requested in the Safety Evaluation Report (NUREG-0843, Page 22-12) to support the applicability of the on-line instrumentation employed in the Post Accident Sampling System. The report also provides information on the applicability of the valves and other components in the system which would be inaccessible following a postulated accident. The enclosed report should be transmitted to Messrs. V. Nerses and F. Witt.

Pursuant to 10 CFR 2, Section 2.790, the NRC is requested to withhold this information from public disclosure. Also, in accordance with Section 2.790(b), it is recognized that withholding this information from public inspection shall not affect the right, if any, of persons properly and directly concerned with the inspection of the proprietary information.

If you would have any questions concerning the proprietary nature of material transmitted herewith, please address these questions directly to:

Mr. A.E. Scherer
Director of Licensing (9438-1922)
Combustion Engineering
1000 Prospect Hill Rd.
Windsor, CT 06095

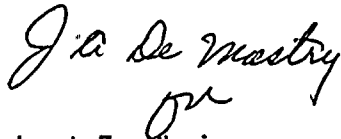
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Page 2
St. Lucie Unit No. 2
Docket No. 50-389
Report on Pass Valve Operability
and Instrumentation Testing

We also request that you provide a copy of any questions on the proprietary nature of the enclosed report to FP&L.

Very truly yours,



Robert E. Uhrig
Vice President
Advanced Systems and Technology

REU/RJS/JES/cab

Enclosures

cc: J. P. O'Reilly, Region II
Harold F. Reis, Esquire

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

Combustion Engineering, Inc.)
State of Connecticut)
County of Hartford) SS.:

I, A. E. Scherer depose and say that I am the Director, Nuclear Licensing of Combustion Engineering, Inc., duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and referenced in the paragraph immediately below. I am submitting this affidavit in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations and in conjunction with the license application of Florida Power and Light Company (Docket 50-389), for withholding this information.

The information for which proprietary treatment is sought is contained in the following document:

CEN-229(L)-P, Engineering Evaluation and Functional Testing for the C-E PASS Components and Instrumentation, November 1982.

This document has been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by Combustion Engineering in designating information as a trade secret, privileged or as confidential commercial or financial information.

Pursuant to the provisions of paragraph (b) (4) of Section 2.790 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure, included in the above referenced document, should be withheld.

1. The information sought to be withheld from public disclosure are the test data on the functional testing of the Combustion Engineering Post-Accident Sampling System (PASS) instrumentation, which is owned and has been held in confidence by Combustion Engineering.

2. The information consists of test data or other similar data concerning a process, method or component, the application of which results in a substantial competitive advantage to Combustion Engineering.

3. The information is of a type customarily held in confidence by Combustion Engineering and not customarily disclosed to the public. Combustion Engineering has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The details of the aforementioned system were provided to the Nuclear Regulatory Commission via letter DP-537 from F.M. Stern to Frank Schroeder dated December 2, 1974. This system was applied in determining that the subject document herein are proprietary.

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 which 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 Combustion Engineering because:

a. A similar product is manufactured and sold by major pressurized water reactor competitors of Combustion Engineering.

b. Development of this information by C-E required hundreds of manhours of effort and tens of thousands of dollars. To the best of my knowledge and belief a competitor would have to undergo similar expense in generating equivalent information.

c. In order to acquire such information, a competitor would also require considerable time and inconvenience related to the development of data on the functional testing of instrumentation used in the Combustion Engineering Post-Accident Sampling System.

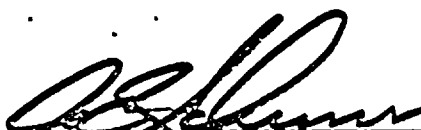
d. The information required significant effort and expense to obtain the licensing approvals necessary for application of the information. Avoidance of this expense would decrease a competitor's cost in applying the information and marketing the product to which the information is applicable.

e. The information consists of test data on the functional testing of the Combustion Engineering Post-Accident Sampling System instrumentation, the application of which provides a competitive economic advantage. The availability of such information to competitors would enable them to modify their product to better compete with Combustion Engineering, take marketing or other actions to improve their product's position or impair the position of Combustion Engineering's product, and avoid developing similar data and analyses in support of their processes, methods or apparatus.

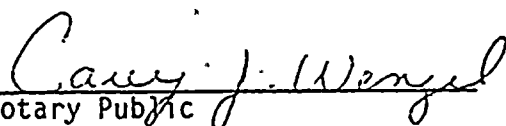
f. In pricing Combustion Engineering's products and services, significant research, development, engineering, analytical, manufacturing, licensing, quality assurance and other costs and expenses must be included. The ability of Combustion Engineering's competitors to utilize such information without similar expenditure of resources may enable them to sell at prices reflecting significantly lower costs.

g. Use of the information by competitors in the international marketplace would increase their ability to market nuclear steam supply systems by reducing the costs associated with their technology development. In addition, disclosure would have an adverse economic impact on Combustion Engineering's potential for obtaining or maintaining foreign licensees.

Further the deponent sayeth not.


A. E. Scherer
Director
Nuclear Licensing

Sworn to before me
this 23rd day of December, 1982


Notary Public

CAREY J. WENZEL, NOTARY PUBLIC
State of Connecticut No. 59562
Commission Expires March 31, 1985



St. Lucie Plant
Unit No. 2 - 1978-890 MW Extension

Mr. E. W. Dotson
Engineering Project Manager
Florida Power & Light Co.
P. O. Box 1400
Juno Beach, FL 33408

Subject: Report on PASS Valve Operability and Instrumentation Testing

Reference: 1) FP&L Nuclear Licensing Tracking System, Open Items as of
November 16, 1982

Enclosures: 1) "Engineering Evaluation and Functional Testing for the C-E PASS
Components and Instrumentation", CEN-229(L)-P, November 1982,
Copies 0001 to 0005.
2) Affidavit from Combustion Engineering attesting to the
proprietary nature of Enclosure 1
3) Draft letter for transmittal of Enclosures 1 and 2 to the NRC

Dear Mr. Dotson:

This letter transmits a report which closes the open items on PASS valve operability and on-line instrumentation functional testing (items 9-11 and 22-7 of Reference 1). Portions of the report which are related to the PASS instrumentation test data are proprietary. Five proprietary and five non-proprietary versions of this report are being transmitted. Also enclosed for your use is a cover letter for transmitting three copies of both the proprietary and non-proprietary versions to the NRC. Please ensure that the NRC is cautioned, as in the draft letter, on their treatment of the proprietary information.

Please call S. E. Ritterbusch or myself if there are any questions on the enclosed material.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J. C. Moulton".

J. C. Moulton
Project Manager

JCM/SER/cw

cc: W. B. Derrickson	G. Krauss
J. A. DeMastry	B. J. Escue
K. N. Harris	E. Preast
C. M. Wethy	G. Boissy
K. N. Chow	C. L. Burns
E. Z. Zuchman	P. J. Hauser
L. Tsakiris	C. E. Waddell

DRAFT LETTER

Mr. D. G. Eisenhut
Division of Licensing
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: St. Lucie Unit 2, Docket 50-389, Report on PASS Valve Operability
and Instrumentation Testing

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Director of Licensing (9438-1922)
Combustion Engineering
1000 Prospect Hill Rd.
Windsor, CT 06095

We also request that you provide a copy of any questions on the proprietary nature of the enclosed report to FP&L.

Sincerely,

R. E. Uhrig

STATE OF FLORIDA)
COUNTY OF DADE) ss.

J. A. DeMastry, being first duly sworn, deposes and says:

That he is Manager, Nuclear Licensing of Florida Power & Light Company,
the Licensee herein;

That he has executed the foregoing document; that the statements made in
this document are true and correct to the best of his knowledge,
information, and belief, and that he is authorized to execute the document
on behalf of said Licensee.

All of the enclosed material is proprietary, and therefore, exempt from
public disclosure in accordance with Section 2.790 of the NRC "Rules of
Practice", Title 10, Code of Federal Regulations.

J. A. DeMastry
J. A. DeMastry

Subscribed and sworn to before me this

29 day of December, 1982

Cheryl L. Fredrick

NOTARY PUBLIC, in and for the County
of Dade, State of Florida.

Notary Public, State of Florida at Large
My Commission Expires October 30, 1983
My commission expires: Bonded thru Meynard Bonding Agency

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