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REGULATORY DOCKET



FLORIDA POWER & LIGHT COMPANY

April 17, 1978
L-78-135

RECEIVED DISTRIBUTION
SERVICES UNIT

APR 18 PM 4 33

Office of Nuclear Reactor Regulation
Attention: Mr. Victor Stello, Director
Division of Operating Reactors
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Stello:

Re: St. Lucie Unit 1
Docket No. 50-335
CEN-79-P

Ten copies of Amendment 1 (Copy Nos. 000016 through 000024, and 000026) and Amendment 2 (Copy Nos. 000073, 000075 through 000083) to report CEN-79-P, "Reactor Operation with Guide Tube Wear" are enclosed for your use. Due to the proprietary nature of the material contained in the amendments, we request that they be withheld from public disclosure in accordance with 10 CFR 2.790 and that the material they contain be safeguarded. Affidavits addressing the bases for this classification are enclosed.

Very truly yours,

J A De Mustay

for
Robert E. Uhrig
Vice President

REU/MAS/mb

Enclosures

cc: Mr. James P. O'Reilly, Region II (w/o enclosures)
Harold F. Reis, Esquire (w/o enclosures)

WITHHOLD ENCLOSURES FROM PUBLIC DISCLOSURE

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DOCKET NO. 50-335

DATE: 4-19-78

NOTE TO NRC AND/OR LOCAL PUBLIC DOCUMENT ROOMS

The following item submitted with letter dated 4-17-78
from FPL is being withheld from
public disclosure, pending review, in accordance with Section 2.790.

PROPRIETARY INFORMATION

Amdt #1 + 2 To INFO ON Guide
Tube Wear

Dan Paulham
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Regulatory File Room

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 Manager, 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 application of Florida Power & Light Company for withholding this information.

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

Amendment 1 to CEN-79-P, CEN-80(N)-P, CEN-82-P, and CEN-83(B)-P,
"Responses to Questions from the Nuclear Regulatory Commission on
CEA Guide Tube Wear," March 1, 1978.

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 is the results of inspections, tests and analysis of control element assembly (CEA) guide tube wear and a proposed hardware modification 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 documents 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 reactors competitors of Combustion Engineering.

b. Development of this information by C-E required thousands of man-hours 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 conducting inspections, tests, and analyses of worn CEA guide tubes and developing and evaluating proposed hardware modifications.

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 inspections, tests, and analyses of CEA guide tube wear and proposed hardware modifications 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

Manager, Licensing

Sworn to before me

this 1st day of March, 1978


Notary Public

ETHELYN H. COLPITTS, NOTARY PUBLIC
State of Connecticut No. 33976
Commission Expires March 31, 1978

AFFIDAVIT PURSUANT

TO 10 CFR 2.790

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

I, P. L. McGill depose and say that I am the Vice-President, Commercial 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 application of Florida Power and Light Company for withholding this information.

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

Amendment 2 to CEN-79-P, CEN-80(N)-P, CEN-82-P and CEN-83(B)-P,

"Additional Information on Guide Tube Wear," March 8, 1978.

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 results of inspections, tests and analysis of guide tube wear and a fuel modification which are owned and have 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 documents 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 reactors competitors of Combustion Engineering.

b. Development of this information by C-E required thousands of man-hours 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 conducting inspections, test and analyses of worn guide tubes and developing and evaluating a fuel design modification.

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 inspection data, tests and analyses of guide tube wear and a description of a fuel modification, 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,




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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.


P. L. McGill

Vice-President, Commercial

Sworn to before me

this 4th day of April, 1978


Notary Public

ETHELYN H. COLPITTS, NOTARY PUBLIC
State of Connecticut No. 33976
Commission Expires March 31, 1983

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