



50-302

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 26, 1997

Mr. Percy M. Beard, Jr.
Senior Vice President, Nuclear Operations
Florida Power Corporation
ATTN: Manager, Nuclear Licensing (SA2A)
Crystal River Energy Complex
15760 W Power Line Street
Crystal River, Florida 34428-6708

SUBJECT: CRYSTAL RIVER NUCLEAR GENERATING PLANT UNIT 3 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. M91772)

Dear Mr. Beard:

By letter dated October 22, 1996, the Florida Power Corporation (FPC) submitted additional test results of a fire barrier, "Mecatiss," which you plan to install as an alternative or supplement to Thermolag at your Crystal River Nuclear Generating Plant Unit 3 (CR3). The tests were sponsored by the FPC and conducted at Underwriters Laboratories Incorporated (UL). The test results for five articles which are identified as Articles 18, 19, 20, 21, and 22 in the FPC's Fire Protection Test program Plan dated July 8, 1996, are documented in the Underwriters Laboratories Inc. (UL), "Report on Raceway Fire Barriers for Aluminum Cabletray and Aluminum Wireway Systems," File NC1973, Project 95NK17030, dated August 19, 1996 which was copyrighted. By letter dated January 27, 1997, UL provided the NRC with a copyright release. You stated that the submitted information is not available in the open literature and to the best of your knowledge, is not known by current or potential domestic or foreign competitors of FPC and represents a significant expenditure of time, money, and manpower.

By your affidavit dated October 22, 1996, you requested that the UL Document "Report on Raceway Fire Barriers for Aluminum Cabletray and Aluminum Wireway Systems," File NC1973, Project 95NK17030, dated August 19, 1996, be withheld from public disclosure pursuant to 10 CFR 2.790. You also stated that the submitted information is owned by FPC and should be considered exempt from mandatory public disclosure because of the following reasons:

1. The use of the information by a competitor would decrease his expenditures, in time or resources, in designing, producing, or marketing a similar product;
2. The information consists of test data or other similar data concerning a process, method or component, the application of which results in a competitive advantage to FPC;

By letter dated November 29, 1996, you submitted a non-proprietary version of the UL Document File No. NC1973-Project 95NK17030. The proprietary

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information has been deleted and the page left blank with a note identifying that the page contains proprietary information and is intentionally blank. We have reviewed your affidavit 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.

Therefore, UL Document "Report on Raceway Fire Barriers for Aluminum Cabletray and Aluminum Wireway Systems," File NC1973, Project 95NK17030, dated August 19, 1996, 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, as amended.

Withholding from public disclosure 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 Nuclear Regulatory Commission (NRC). You should also 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.

Sincerely,
Original signed by
L. Raghavan, Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-302
cc: See next page
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Mr. Percy M. Board, Jr.
Florida Power Corporation

CRYSTAL RIVER UNIT NO. 3
GENERATING PLANT

cc:

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