

Florida Power

CORPORATION
Crystal River Unit 3
Docket No. 50-302

August 20, 1996
3F0896-17

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

Subject: Affidavits for Withholding Proprietary Reports from Public Disclosure

References: A. FPC to NRC letter, 3F0396-26, dated March 30, 1996
B. FPC to NRC letter, 3F0696-14, dated June 26, 1996

Dear Sir:

By Reference A Florida Power Corporation (FPC) submitted fire endurance test reports for Mecatiss fire barriers. By Reference B FPC submitted Thermo-Lag and Mecatiss fire barrier ampacity derating test reports. FPC stated that these test reports were proprietary to FPC and requested that they be withheld from public disclosure. In a subsequent telephone communication, the NRC notified FPC that the affidavits provided were insufficient in that they did not specifically state that the reports were owned by FPC.

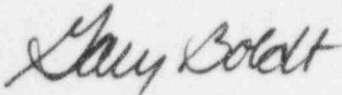
Attachment A is a replacement affidavit for Reference A, and Attachment B is a replacement affidavit for Reference B. The replacement affidavits specifically state that FPC is the owner of the subject reports. We apologize for the deficiency and trust that the corrected documents will provide sufficient justification to withhold the reports from public disclosure.

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Please contact W. L. Rossfeld at (352) 563-4374 if you have any questions concerning this submittal.

Sincerely,



G. L. Boldt
Vice President
Nuclear Production

GLB/SCP:ff

Attachments

xc: Regional Administrator, Region II (w/o Attachments)
NRR Project Manager
Senior Resident Inspector (w/o Attachments)

ATTACHMENT A

REPLACEMENT AFFIDAVIT FOR FPC LETTER 3F0396-26
(Identified and paginated according to the original correspondence.)

AFFIDAVIT OF G. L. Boldt

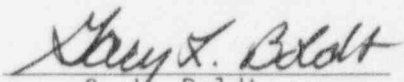
- A. My name is G. L. Boldt. I am the Vice President, Nuclear Production for the Florida Power Corporation (FPC), and as such I am authorized to execute this affidavit.
- B. I am familiar with the criteria set forth in Title 10 of the Code of Federal Regulations, Part 2.790 (10 CFR 2.790), to determine whether certain information of FPC is proprietary.
- C. The following information is provided to demonstrate that the provisions of 10 CFR 2.790 have been considered:
- (i) The information contained in Exhibit "A", which is attached hereto and made a part hereof, is owned by and has been held in confidence by FPC. Copies of the document are clearly identified as proprietary. In addition, should FPC transmit the information identified in Exhibit "A" to an external agency, the recipient will be requested to hold the information as proprietary, as FPC has requested the Nuclear Regulatory Commission to so do.
 - (ii) FPC applied the following criteria in determining whether the information in Exhibit "A" should be classified as proprietary. Information may be classified as proprietary if one or more of these criteria are met:
 - a. The information reveals data or material concerning FPC research or development plans or programs of present or potential competitive advantage to FPC.
 - b. The use of the information by a competitor would decrease his expenditures, in time or resources, in designing, producing or marketing a similar product.
 - c. 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.
 - d. The information reveals special aspects of a process, method, component or the like, the exclusive use of which results in a competitive advantage to FPC.

FPC has determined that the document listed in Exhibit "A", contains information which falls within one or more of the criteria enumerated above.

AFFIDAVIT OF G. L. Boldt (Cont'd.)

Exhibit "B", which is attached hereto and made a part hereof, identifies which specific criteria apply to the document listed in Exhibit "A".

- (iii) The document listed in Exhibit "A", which has been made available to the United States Nuclear Regulatory Commission was made available in confidence with a request that the document and the information contained therein be withheld from public disclosure.
 - (iv) The information contained in Exhibit "A" is not available in the open literature and to the best of our knowledge is not known by current or potential domestic or foreign competitors of FPC.
 - (v) Specific information with regard to whether public disclosure of the information in Exhibit "A" is likely to cause harm to FPC's competitive position, taking into account the value of the information to FPC; the amount of money or effort FPC expended developing the information; and the ease or difficulty with which the information could be properly duplicated by others is given in Exhibit "B".
- D. I have personally reviewed the document listed on Exhibit "A" and have found that it is considered proprietary by FPC because it contains information which falls within one or more of the criteria enumerated in Paragraph C. Exhibit "A" contains information which affords FPC an opportunity to obtain a competitive advantage over those who may wish to know or use the information contained in the document.


G. L. Boldt

STATE OF FLORIDA
COUNTY OF CITRUS

G. L. Boldt states that he is the Vice President, Nuclear Production for Florida Power Corporation; that he is authorized on the part of said company to sign and file with the Nuclear Regulatory Commission the information attached hereto; and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

G. L. Boldt

G. L. Boldt
Vice President
Nuclear Production

G. L. Boldt personally known to me. Subscribed and sworn to before me, a Notary Public in and for the State and County above named, this 20th day of August, 1996.

LYNNE S. SMITH

Notary Public (print)

Lynne S. Smith

Notary Public (signature)



EXHIBIT A

Underwriters Laboratories Inc. (UL) reports: File NC1973 - Project 95NK17030.

- Test Deck #1 - Raceway Fire Barriers for Aluminum Cable Tray & Aluminum Conduit Systems (Book 1 of 6)
- Test Deck #2 - Raceway Fire Barriers for Aluminum Cable Tray & Aluminum Conduit Systems (Book 2 of 6)
- Test Deck #3 - Raceway Fire Barriers for Aluminum Cable Tray & Aluminum Conduit Systems (Book 3 of 6)
- Test Deck #4 - Raceway Fire Barriers for Aluminum Cable Tray & Aluminum Conduit Systems (Book 4 of 6)
- Test Deck #5 - Raceway Fire Barriers for Aluminum Cable Tray, Aluminum Junction Box and Aluminum Conduit Systems (Book 5 of 6)
- UL letter to FPC dated December 7, 1995 - Re: 95NK17030, File NC1973
UL letter to FPC dated December 8, 1995 - Re: 95NK17030, NC1973
UL letter to FPC dated December 13, 1995 - Re: 95NK17030, NC1973
(UL letters comprise Book 6 of 6)

EXHIBIT B

The above listed document contains information which is considered proprietary to Florida Power Corporation in accordance with Criteria 'b' and 'c' of the attached affidavit.

The information contained in the document listed in Exhibit "A" represents a significant expenditure of time, money, and manpower by Florida Power Corporation, and is owned by Florida Power Corporation. The effort to develop this information represents the efforts of a multi-discipline team spanning over one and one-half years. The financial expenditure represented exceeds 1.1 million dollars. The task of duplicating this effort includes material design and engineering, fabrication of test assemblies, coordination of various working organizations, and conduct and evaluation of tests.

ATTACHMENT B

REPLACEMENT AFFIDAVIT FOR FPC LETTER 3F0696-14
(Identified and paginated according to the original correspondence.)

AFFIDAVIT OF G. L. Boldt


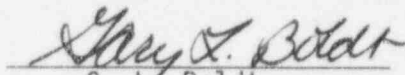
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 - c. The information consists of test data or other similar data concerning a process, method, or component, the application of which results in a competitive advantage to FPC.
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FPC has determined that the document listed in Exhibit "A", contains information which falls within one or more of the criteria enumerated above.

AFFIDAVIT OF G. L. Boldt (Cont'd.)

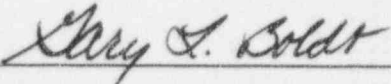
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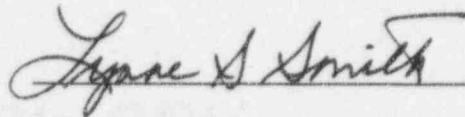


G. L. Boldt
Vice President
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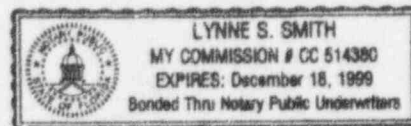


EXHIBIT A

Underwriters Laboratory report 95NK17030, NC1973, "Ampacity Test Investigation of Raceway Fire Barriers for Conduit and Cable Tray Systems."

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The information contained in the document listed in Exhibit "A" represents a significant expenditure of time, money, and manpower by Florida Power Corporation, and is owned by Florida Power Corporation. The effort to develop this information represents the efforts of a multi-discipline team spanning over one and one-half years. The financial expenditure represented exceeds 1.1 million dollars. The task of duplicating this effort includes material design and engineering, fabrication of test assemblies, coordination of various working organizations, and conduct and evaluation of tests.