

January 27, 2000

Mr. Oliver D. Kingsley, President
Nuclear Generation Group
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, IL 60515

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NOS. MA5070, MA5071, MA5149 AND MA5150)

Dear Mr. Kingsley:

By letter from Commonwealth Edison Company (ComEd) dated March 23, 1999, and Holtec International's affidavit executed by Michael P. McNamara dated February 15, 1999, you submitted a proprietary document entitled, "Licensing Report for Spent Fuel Rack Installation at Byron and Braidwood Stations," HI-982083 and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A non-proprietary version was also included in the submittal for placement in the NRC public document room. The NRC approved the withholding request by letter dated May 3, 1999.

Subsequent to that, the NRC requested additional information to clarify and correct certain items. ComEd provided that information in a letter dated October 21, 1999. By letter from ComEd dated December 13, 1999, and Holtec International's affidavit executed by Michael P. McNamara dated December 9, 1999, you submitted a proprietary document entitled, "Licensing Report for Spent Fuel Rack Installation at Byron and Braidwood Stations," HI-982083, Revision 6, and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A non-proprietary version was also included in the submittal for placement in the NRC public document room.

Holtec stated that the information should be considered exempt from mandatory public disclosure for the following reasons:

- "a. Information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies;
- b. Information which, if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product,

* * * * *

- d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection."

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Holtec's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, we have determined that the documents entitled, "Licensing Report for Spent Fuel Rack Installation at Byron and Braidwood Stations," HI-982083, Revision 6, 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 document. 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 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 needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

/RA/

George F. Dick, Jr., Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-454, STN 50-455,
STN 50-456, STN 50-457

cc: See next page

* * * * *

- d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection."

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Holtec's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, we have determined that the documents entitled, "Licensing Report for Spent Fuel Rack Installation at Byron and Braidwood Stations," HI-982083, Revision 6, 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 document. 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 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 needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

/RA/

George F. Dick, Jr., Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-454, STN 50-455,
STN 50-456, STN 50-457

DISTRIBUTION: File Center
PUBLIC PD3 r/f
MJordan, RIII

cc: See next page

ACCESSION NUMBER: ML003678971

*see previous page for concurrence

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	PM:LPD3	LA:LPD3	OGC	SRXB	SC:LPD3
NAME	GDICK	CMOORE	*MPSIEMIEN	*JWermiel	AMENDIOLA
DATE	01/20/00	01/11/00	01/11/00	01/07/00	01/20/00

OFFICIAL RECORD COPY

O. Kingsley
Commonwealth Edison Company

Byron/Braidwood Stations

88

cc:

Ms. C. Sue Hauser, Project Manager
Westinghouse Electric Corporation
Energy Systems Business Unit
Post Office Box 355
Pittsburgh, Pennsylvania 15230

Illinois Department of Nuclear Safety
Office of Nuclear Facility Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Joseph Gallo
Gallo & Ross
1025 Connecticut Ave., N.W., Suite 1014
Washington, DC 20036

Commonwealth Edison Company
Byron Station Manager
4450 N. German Church Road
Byron, Illinois 61010-9794

Howard A. Learner
Environmental Law and Policy
Center of the Midwest
35 East Wacker Dr., Suite 1300
Chicago, Illinois 60601-2110

Commonwealth Edison Company
Site Vice President - Byron
4450 N. German Church Road
Byron, Illinois 61010-9794

U.S. Nuclear Regulatory Commission
Byron Resident Inspectors Office
4448 N. German Church Road
Byron, Illinois 61010-9750

U.S. Nuclear Regulatory Commission
Braidwood Resident Inspectors Office
35100 S. Rt. 53, Suite 79
Braceville, Illinois 60407

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, Illinois 60532-4351

Mr. Ron Stephens
Illinois Emergency Services
and Disaster Agency
110 E. Adams Street
Springfield, Illinois 62706

Ms. Lorraine Creek
RR 1, Box 182
Manteno, Illinois 60950

Chairman
Will County Board of Supervisors
Will County Board Courthouse
Joliet, Illinois 60434

Chairman, Ogle County Board
Post Office Box 357
Oregon, Illinois 61061

Commonwealth Edison Company
Braidwood Station Manager
35100 S. Rt. 53, Suite 84
Braceville, Illinois 60407-9619

Mrs. Phillip B. Johnson
1907 Stratford Lane
Rockford, Illinois 61107

George L. Edgar
Morgan, Lewis and Bockius
1800 M Street, N.W.
Washington, DC 20036-5869

Attorney General
500 S. Second Street
Springfield, Illinois 62701

O. Kingsley
Commonwealth Edison Company

- 2 -

Byron/Braidwood Stations

88

Ms. Bridget Little Rorem
Appleseed Coordinator
117 N. Linden Street
Essex, Illinois 60935

Commonwealth Edison Company
Reg. Assurance Supervisor - Byron
4450 N. German Church Road
Byron, Illinois 61010-9794

Document Control Desk-Licensing
Commonwealth Edison Company
1400 Opus Place, Suite 400
Downers Grove, Illinois 60515

Ms. Pamela B. Stroebe
Senior Vice President and General Counsel
Commonwealth Edison Company
P.O. Box 767
Chicago, Illinois 60690-0767

Commonwealth Edison Company
Site Vice President - Braidwood
35100 S. Rt. 53, Suite 84
Braceville, Illinois 60407-9619

Mr. David Helwig
Senior Vice President
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Mr. Gene H. Stanley
Vice President - Nuclear Operations
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Mr. Christopher Crane
Senior Vice President - Nuclear Operations
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Mr. R. M. Krich
Vice President - Regulatory Services
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, Illinois 60515

Commonwealth Edison Company
Reg. Assurance Supervisor - Braidwood
35100 S. Rt. 53, Suite 84
Braceville, Illinois 60407-9619