

May 1, 2001

Mr. Scott H. Pellet
Holtec International
Holtec Center
555 Lincoln Drive West
Marlton, NJ 08053

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE, BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2
(TAC NOS. MB1492 AND MB1493)

Dear Mr. Pellet:

By FirstEnergy Nuclear Operating Company's submittal dated March 19, 2001, and your affidavit dated December 7, 2000, you submitted "Evaluation of Spent Fuel Assembly Drop Accidents in the Beaver Valley Power Station Reactor Core," and requested that it be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. A nonproprietary copy of this document was submitted and has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) public document room and added to the Agencywide Documents Access and Management System Publicly Available Records System (ADAMS PARS) Library.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure because the document contains:

1. 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;
2. 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;
3. Information which reveals aspects of past, present, or future Holtec International, customer-funded development plans and programs of potential commercial value to Holtec International;
4. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.

We have reviewed your application 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 and should be withheld from public disclosure.

Therefore, the version of the submitted information 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 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 NRC. You also should 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.

If you have any questions regarding this matter, I may be reached at 301-415-3053 or ljb@nrc.gov.

Sincerely,

/RA/

Lawrence J. Burkhart, Project Manager, Section 1
Project Directorate I-1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-334 and 50-412

cc: See next page

Beaver Valley Power Station, Units 1 and 2

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Sincerely,

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Project Directorate I-1
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cc: See next page

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