

October 22, 2001

Mr. Henry A. Sepp  
Manager, Regulatory  
and Licensing Engineering  
Westinghouse Electric Company, LLC  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: BEAVER VALLEY POWER STATION, UNIT NO. 2 - REQUEST FOR  
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO.  
MB1578)

Dear Mr. Sepp:

By letter dated September 25, 2001, FirstEnergy Nuclear Operating Company (FENOC), the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2) licensee, submitted a response to a request for information to the Nuclear Regulatory Commission (NRC) in support of its License Amendment Request (LAR) No. 137, dated March 28, 2001, which requested credit for soluble boron in the BVPS-2 spent fuel pool. By your application and affidavit dated September 11, 2001, you submitted information to support FENOC's response and you requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A nonproprietary copy of this document has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

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

1. The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without license from Westinghouse constitutes a competitive economic advantage over other companies.
2. Its use 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 a similar product.

The NRC staff has 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. The NRC staff 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](mailto:ljb@nrc.gov).

Sincerely,

*/RA/*

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

Docket Nos. 50-334 and 50-412

cc: See next page

H. Sepp

-2-

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*/RA/*

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

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DATE	10/11/01	10/10/01	10/11/01	10/12/01	10/22/01

**OFFICIAL RECORD COPY**

Beaver Valley Power Station, Unit No. 2

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