



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

December 16, 2022

Mr. John J. Grabnar
Site Vice President
Energy Harbor Nuclear Corp.
Beaver Valley Power Station
Mail Stop P-BV-SSB
P.O. Box 4, Route 168
Shippingport, PA 15077-0004

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR BEAVER VALLEY POWER STATION, UNIT 2 - 2R22 STEAM
GENERATOR TUBE INSPECTION 180 DAY REPORT
(EPID L-2022-LRO-0064)

Dear Mr. Grabnar:

By letter L-22-200 dated October 21, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22304A213), Energy Harbor Nuclear Corp. (the licensee), submitted an affidavit dated September 23, 2022 (CAW-22-046), executed by Zachary S. Harper, Manager, Licensing Engineering for Westinghouse Electric Company LLC, requesting that the information contained in the following document be withheld from public disclosure pursuant to Section 2.390 of Title 10 of the *Code of Federal Regulations* (10 CFR):

DMW-NRCD-RF-LR-000002 P-Attachment, Revision 0, "Beaver Valley Power Station, Unit 2 - Responses to Request for Additional Information - Refueling Outage 22 Steam Generator 180 Day Report.

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the NRC Library in ADAMS at Accession No. ML22304A213.

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

- (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse and is not customarily disclosed to the public.
- (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse's knowledge, is not available in public sources.
- (iii) ...public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Westinghouse because it would enhance the ability of competitors to provide similar technical evaluation justifications and licensing defense services for commercial power reactors without commensurate

expenses. Also, public disclosure of the information would enable others to use the information to meet NRC requirements for licensing documentation without purchasing the right to use the information.

- (a) 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.
- (c) 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.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version(s) of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(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 301-415-0680.

Sincerely,

/RA/

Brent T. Ballard, Project Manager
Plant Licensing Branch I
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-412

cc: Zachary S. Harper
Manager, Licensing Engineering
Westinghouse Electric Company LLC
1000 Westinghouse Drive
Cranberry Township, PA 16066-5528

Listserv

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