

April 10, 2000

Mr. L. W. Myers  
Senior Vice President  
Beaver Valley Power Station  
Post Office Box 4  
Shippingport, PA 15077

SUBJECT: BEAVER VALLEY 2 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE REGARDING UPDATE OF TECHNICAL SPECIFICATION HEATUP, COOLDOWN, AND OVERPRESSURE PROTECTION CURVES (TAC NO. MA5988)

Dear Mr. Myers:

By Duquesne Light Company's (DLC's) letter, L-99-080, dated June 17, 1999, and Westinghouse Electric Company LLC's (Westinghouse) affidavit executed by Henry A. Sepp, dated April 23, 1999, DLC, as the then licensee, submitted an application to amend the Beaver Valley Power Station, Unit No. 2 (BVPS-2) Technical Specifications (TSs) to update the heatup, cooldown, and overpressure protection curves. The DLC letter identified that Attachment D to the letter contained both proprietary (Class 2C) and non-proprietary (Class 3) versions of the Westinghouse report, "Low Temperature Overpressure Protection System Setpoint Review for Beaver Valley Unit 2 15 EFPY Heatup and Cooldown Curves." The letter requested that the information identified as proprietary in the Class 2C report be withheld from public disclosure pursuant to 10 CFR 2.790. The Class 3 non-proprietary version was submitted for placement in the Nuclear Regulatory Commission (NRC) public document room.

In their affidavit, and further specified in the Class 3 report, Westinghouse stated that the submitted information should be exempt from mandatory public disclosure for the following reasons:

- (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.
- (b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.
- (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.

The NRC staff reviewed the application and the materials in accordance with the requirements of 10 CFR 2.790 and found that some of the information contained in the Class 2C report had been inconsistently redacted from the Class 3 report. This was discussed with members of the DLC staff, who indicated that they would review the noted discrepancies and resubmit corrected versions of the Class 2C and Class 3 reports.

By letter dated February 15, 2000, FirstEnergy Nuclear Operating Company (FENOC) submitted the revised Class 2C and Class 3 versions of the Westinghouse report, "Low Temperature Overpressure Protection System Setpoint Review for Beaver Valley Unit 2 15 EFPY Heatup and Cooldown Curves," Revision 2, for the application; including Westinghouse Electric Company LLC's (Westinghouse) affidavit executed by Henry A. Sepp, dated February 4, 2000. Your letter requests that the original versions of the Class 2C and Class 3 reports be withdrawn from the docket and NRC review and, further, that information identified as proprietary in the Class 2C report be withheld from public disclosure pursuant to 10 CFR 2.790.

The NRC staff's final determination of acceptability of the proposed amendment will be based on information provided in Revision 2 of the Westinghouse report. Therefore, the NRC staff deems that both the original Class 2C and Class 3 versions of the Westinghouse report, "Low Temperature Overpressure Protection System Setpoint Review for Beaver Valley Unit 2 15 EFPY Heatup and Cooldown Curves," are no longer relevant and we are returning them to you. Any additional copies of these documents will be appropriately destroyed.

The January 27, 2000, Westinghouse affidavit, as further specified in the Class 2C and Class 3 reports, cited the same reasons previously detailed for exemption from mandatory public disclosure. 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. Therefore, the Class 2C version of Westinghouse report, "Low Temperature Overpressure Protection System Setpoint Review for Beaver Valley Unit 2 15 EFPY Heatup and Cooldown Curves," Revision 2, 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 questions regarding this matter, I may be reached at (301) 415-1427.

Sincerely,

*/RA/*

Daniel S. Collins, Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-412

Enclosures: Class 2C and Class 3 versions of report, "Low Temperature Overpressure Protection System Setpoint Review for Beaver Valley Unit 2 15 EFPY Heatup and Cooldown Curves."

cc w/o encls: See next page

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cc w/o encls: See next page

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