

April 19, 2001

Mr. Calvin R. Hastings
President and
Chief Executive Officer
Caldon, Inc.
1070 Banksville Avenue
Pittsburgh, Pennsylvania 15216

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE, BEAVER VALLEY POWER STATION, UNITS 1 AND 2
(TAC NOS. MB0996 AND MB0997)

Dear Mr. Hastings:

By your application and affidavit dated February 16, 2001, you submitted Caldon ER-157P, "Engineering Report-157P: Supplement to Topical Report ER-80P: Basis for a Power Uprate with the LEFM[✓]™ or LEFM CheckPlus™ System, Revision 3." You 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 has been placed in the U.S. Nuclear Regulatory Commission (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 Caldon's competitors without license from Caldon constitutes a competitive economic advantage over other companies.
2. 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.
3. Its use by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, and assurance of quality, or licensing a similar product.
4. It reveals cost of price information, production capacities, budget levels, or commercial strategies of Caldon, its customer or suppliers.

5. It reveals aspects of past, present or future Caldon or customer funded development plans and programs of potential customer value to Caldon.
6. It contains patentable ideas, for which patent protection may be desirable.

We have reviewed the 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.

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

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Lawrence J. Burkhart, Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
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