

July 28, 2004

Mr. J. A. Gresham, Manager  
Regulatory Compliance and Plant Licensing  
Westinghouse Electric Company, LLC  
P.O. Box 355  
Pittsburgh, PA 15230-0355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY, LLC, REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE RELATED TO FIRSTENERGY NUCLEAR OPERATING COMPANY (FENOC) JUNE 28, 2004, LICENSE AMENDMENT REQUEST FOR APPROVAL OF THE USE OF W\* METHODOLOGY AT BEAVER VALLEY POWER STATION, UNIT NO. 1 (BVPS-1) (TAC NO. MC3671)

Dear Mr. Gresham:

By letter dated June 28, 2004, FENOC submitted an application for license amendment to approve the use of W\* methodology at BVPS-1. Included with FENOC's application were 2 affidavits dated June 18, 2004, CAW-04-1847 and CAW-04-1848, executed by yourself. You requested that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

LTR-SGDA-04-211, "Additional Information Supporting the Application of W\* to the Beaver Valley Unit 1 Steam Generator Tubes" (Proprietary) dated June 2004 and,

WCAP-14797-P, Revision 2, "Generic W\* Tube Plugging Criteria for 51 Series Steam Generator Tubesheet Region WEXTX Expansions," March 2003 (Proprietary)

A nonproprietary copy of these documents has been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavits stated that the submitted information should be considered 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 the expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing [of] a similar product.
- (d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Westinghouse, its customers or suppliers.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.
- (f) It contains patentable ideas, for which patent protection may be desirable.

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 licensing support documentation 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.

The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort and the expenditure of a considerable sum of money.

In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 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 2.390(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 301-415-1402.

Sincerely,

*/RA/*

Timothy G. Colburn, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-334

cc: See next page

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| DATE   | 7/21/04  | 7/21/04  | 7/22/04 | 7/27/04  |

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