

August 16, 2005

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

SUBJECT: WESTINGHOUSE, REQUEST FOR WITHHOLDING INFORMATION FROM  
PUBLIC DISCLOSURE FOR BYRON STATION, UNIT 2 AND BRAIDWOOD  
STATION, UNIT 2 (TAC MC7219)

Dear Mr. Gresham:

By letter dated May 24, 2005, Exelon Generation Company, LLC, submitted an affidavit dated May 11, 2005, executed by J. A. Gresham, Westinghouse Electric Company, LLC. You requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

Westinghouse Electric Company LTR-CDME-05-32-P, "Limited Inspection of the Steam Generator Tube Portion Within the Tubesheet at Byron 2 & Braidwood 2," Revision 1, dated May 2005

A nonproprietary copy of this document 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 affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (4)(i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse.
- (4)(ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public. Westinghouse has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitutes Westinghouse policy and provides the rational basis required.
- (4)(iv) The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.

- (4)(v) ...The proprietary information as submitted for use by Westinghouse for Byron Unit 2 is expected to be applicable to other licensee submittals in support of implementing a limited inspection of the tube joint with a rotating probe within the tubesheet region of the steam generators....

...this information has substantial commercial value as follows:

- (a) Westinghouse plans to sell the use of similar information to its customers for purposes of meeting NRC requirements for licensing documentation.
- (b) Westinghouse can sell support and defense of this information to its customers in the licensing process.
- (c) The information requested to be withheld reveals the distinguishing aspects of a methodology which was developed by Westinghouse.

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

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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 301-415-3027.

Sincerely,

*/RA/*

Jon B. Hopkins, Senior Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos.: STN 50-455 and  
STN 50-457

cc: See attached

J. Gresham

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Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos.: STN 50-455 and  
STN 50-457

cc: See attached

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