



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

September 23, 2009

Mr. Charles G. Pardee
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR BRAIDWOOD STATION, UNITS 1 AND 2, AND BYRON STATION, UNIT NOS. 1 AND 2 (TAC NOS. ME1613, ME1614, ME1615, AND ME1616)

Dear Mr. Pardee:

By letter dated June 24, 2009 (Agencywide Documents Access and Management System (ADAMS) Package No. ML091770543), Exelon Generation Company, LLC (the licensee), submitted an affidavit (CAW-09-2584) dated May 21, 2009, executed by Mr. J. A. Gresham of Westinghouse Electric Company, LLC (Westinghouse), requesting 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:

WCAP-17072-P, "H*: Alternate Repair Criteria for the Tubesheet Expansion Region in Steam Generators with Hydraulically Expanded Tubes (Model D5)," dated May 2009 (Proprietary)

A nonproprietary copy of WCAP-17072-NP, dated May 2009, has been placed in the Nuclear Regulatory Commission's (NRC's or Commission's) Public Document Room and added to the ADAMS Public Electronic Reading Room.

The affidavit stated 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.
- (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 constitute Westinghouse policy and provide the rational basis required.

- (iii) The information is being transmitted to the Commission in confidence and, under the provision of 10 CFR Section 2.390, it is to be received in confidence by the Commission.
- (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.
- (v) The proprietary information sought to be withheld in this submittal is appropriately marked.

By letter dated August 5, 2009 (ADAMS Accession No. ML092160303), the NRC staff requested clarification regarding how certain information met the considerations of 10 CFR 2.390(b)(4) so that the NRC staff could make the required determination under 10 CFR 2.390(b). By letter dated September 4, 2009 (ADAMS Package No. ML092520283), the licensee provided a response to each item listed and also provided corrected pages for WCAP-17072-P and WCAP-17072-NP.

We have reviewed your two submittals, identified above, in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the information sought to be withheld in the two submittals, when the two submittals are considered together, 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.

C. Pardee

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If you have any questions regarding this matter, I can be reached at 301-415-1547.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall J. David". The signature is written in a cursive style with a large, stylized initial "M".

Marshall J. David, Senior Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-456, STN 50-457,
STN 50-454, and STN 50-455

cc: See next page

Braidwood Station, Units 1 and 2
Byron Station, Unit Nos. 1 and 2

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

Additional Distribution via Listserv

If you have any questions regarding this matter, I can be reached at 301-415-1547.

Sincerely,
/RA/

Marshall J. David, Senior Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-456, STN 50-457,
STN 50-454, and STN 50-455

cc: See next page

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NRR-084

OFFICE	LPL3-2/PM	LPL3-1/LA	DCI/CSGB/BC	LPL3-2/BC
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DATE	9/21/09	9/18/09	9/18/09	9/23/09

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