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

April 15, 2010

Mr. Paul A. Harden
Site Vice President
FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Mail Stop A-BV-SEB1
P.O. Box 4, Route 168
Shippingport, PA 15077

SUBJECT: BEAVER VALLEY POWER STATION, UNIT NO. 2 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (TAC NO. ME1079)

Dear Mr. Harden:

By letter dated April 9, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091210251), as supplemented by letters dated June 15, 2009 (ADAMS Accession No. ML091680614) and January 18, 2010 (ADAMS Accession No. ML100191805), FirstEnergy Nuclear Operating Company (FENOC, licensee) submitted an affidavit dated April 7, 2009, executed by Evan Rosenbaum, Project Manager, Holtec International, 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:

> Enclosure B to the licensee's letter dated April 9, 2009, titled "Licensing Report for Beaver Valley Unit 2 Rerack," ADAMS Accession No. ML091210252.

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 (ADAMS Accession No. ML091210263)

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

(4) a. information that discloses a process, method, or apparatus, including supporting data and analysis, where prevention of its use by Holtec's competitors without license from Holtec International constitutes a competitive economic advantage over other companies;

b. Information which, if used 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 of a similar product.

The Nuclear Regulatory Commission (NRC) staff have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, Enclosure B to the licensee's letter dated April 9, 2009, titled "Licensing Report for Beaver Valley Unit 2 Rerack," 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 issue, please contact me at (301) 415-1016.

Sincerely,

Nadiyah S. Morgan, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-412

cc: Mr. Evan Rosenbaum
Holtec Center
555 Lincoln Drive West
Marlton, NJ 08053

Additional Distribution via Listserv

The Nuclear Regulatory Commission (NRC) staff have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, Enclosure B to the licensee's letter dated April 9, 2009, titled "Licensing Report for Beaver Valley Unit 2 Rerack," 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 issue, please contact me at (301) 415-1016.

Sincerely,

/ra/

Nadiyah S. Morgan, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-412
cc: Mr. Evan Rosenbaum
Holtec Center
555 Lincoln Drive West
Marlton, NJ 08053
Additional Distribution via Listserv

DISTRIBUTION:

PUBLIC	RidsNrrDorlLpl1-1	RidsNrrPMBeaverValley
RidsOGCMailCenter	LPL1-1 Reading File	RidsNrrLASLittle
RidsAcrsAcnw_MailCTR	RidsNrrDorlDpr	RidsRgn1 MailCenter

ADAMS Accession No. ML100840784

OFFICE	LPLI-1/PM	LPLI-1/LA	LPLI-1/BC
NAME	NMorgan	SLittle	NSalgado (JBoska for)
DATE	4/15/10	4/15/10	4/15/10

OFFICIAL RECORD COPY