



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

August 29, 2012

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 NOS. 1 AND 2 - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NOS. ME8409 AND ME8410)

Dear Mr. Harden:

By letter dated June 11, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12164A798), FirstEnergy Nuclear Operating Company (FENOC, the licensee) submitted a response to a request for additional information (RAI) from the U.S. Nuclear Regulatory Commission (NRC) staff. The RAI (ADAMS Accession No. ML121150501), related to the estimated effect on peak cladding temperature resulting from thermal conductivity degradation in the Westinghouse-furnished realistic emergency core cooling evaluation for Beaver Valley Power Station, Units 1 and 2. The NRC staff then contacted your staff regarding a potentially mistaken reference contained in the affidavit for withholding enclosed with the June 11, 2012, letter. Based on that contact, you submitted a revised RAI response in a supplement dated August 15, 2012 (ADAMS Accession No. ML12230A228).

As part of the supplemented RAI response, you submitted an affidavit dated August 1, 2012 (Enclosure A to your letter dated August 15, 2012), executed by B. F. Maurer of Westinghouse Electric Company, LLC (Westinghouse), requesting that 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:

- First Energy Nuclear Operating Company Letter L-12-287 Attachment 1, "Supplement to Response to Nuclear Regulatory Commission Request for Additional Information Regarding the Estimated Effect on Peak Cladding Temperature Resulting From Thermal Conductivity Degradation in the Westinghouse - Furnished Realistic Emergency Core Cooling System Evaluation (TAC Nos. ME8409 and ME8410)."

A nonproprietary version of the revised RAI response has been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room. It may be found at ADAMS Accession No. ML12230A231.

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

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 fuel design 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.

We have reviewed your application and the material in accordance with requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the information from the both the June 11, 2012, and August 15, 2012, submittals, sought to be withheld, contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information marked 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.

Please contact me at 301-415-2833, if you have any questions.

Sincerely,



Peter Bamford, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-334 and 50-412

cc:
B.F. Maurer
Manager, ABWR Licensing
Westinghouse Electric Company, LLC
1000 Westinghouse Drive, Suite 428
Cranberry Township, PA 16066

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Sincerely,
/ra/
Peter Bamford, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
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Docket Nos. 50-334 and 50-412

cc: B.F. Maurer
Manager, ABWR Licensing
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1000 Westinghouse Drive, Suite 428
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ADAMS Accession No.: ML12233A366 *via email

OFFICE	LPLI-2/PM	LPLI-2/LA	LPL1-2/BC
NAME	PBamford	ABaxter *	MKhanna
DATE	08/20/12	08/27/12	08/29/12