



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

September 27, 1990

Docket No. 50-412
Serial No. BV-90-014

Mr. Robert A. Weisemann, Manager
Regulatory and Legislative Affairs
Westinghouse Electric Corp.
Box 355
Pittsburgh, Pennsylvania 15230-0355

Dear Mr. Weisemann:

SUBJECT: BEAVER VALLEY UNIT 2 - REQUEST FOR WITHHOLDING INFORMATION
FROM PUBLIC DISCLOSURE (TAC 71086) - CAW-90-058

By your application and affidavit dated August 7, 1990, you submitted Westinghouse Electric Corporation reports designated as WCAP-12093 Supplement 3 - Proprietary, and WCAP-12094 Supplement 3 - Non-proprietary. Each of these reports is titled "Evaluation of Pressurizer Surge Line Transients Exceeding 320 F for Beaver Valley Unit 2." You requested certain information contained in WCAP-12093 be withheld from public disclosure pursuant to 10 CFR 2.790.

The above referenced affidavit asserted that the identified 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) Its use 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 a similar product.
- (c) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

We have reviewed your request along with the Westinghouse reports and affidavit submitted with regard to the requirements and criteria of 10 CFR 2.790. On the basis of Westinghouse's statements, I have determined that the information sought to be withheld contains trade secrets or proprietary commercial information.

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Therefore, Westinghouse report, WCAP-12093, Supplement 3, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public disclosure 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 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 such that the information could then be made available for public inspection, you should notify the NRC promptly. You should also understand that the NRC may have cause to review this determination in the future, such as, 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.

Sincerely,

/s/

Albert W. De Agazio, Sr. Project Manager
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

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Mr. Robert A. Weisemann
Duquesne Light Company
cc:

Jay E. Silberg, Esquire
Shaw, Pittman, Potts and Trowbridge
2300 N Street, N.W.
Washington, DC 20037

Nelson Tonet, Manager
Nuclear Safety
Duquesne Light Company
P. O. Box 4
Shippingport, Pennsylvania 15077

Commissioner Roy M. Smith
West Virginia Department of Labor
Building 3, Room 319
Capitol Complex
Charleston, WV 25305

John D. Borrows
Director, Utilities Department
Public Utilities Commission
180 East Broad Street
Columbus, Ohio 43266-0573

Director, Pennsylvania Emergency
Management Agency
Post Office Box 3321
Harrisburg, Pennsylvania 17105-3321

Beaver Valley Power Station
Units 1 & 2

Bureau of Radiation Protection
Pennsylvania Department of
Environmental Resources
ATTN: R. Janati
Post Office Box 2063
Harrisburg, Pennsylvania 17120

Mayor of the Borough of
Shippingport
Post Office Box 3
Shippingport, Pennsylvania 15077

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

Resident Inspector
U.S. Nuclear Regulatory Commission
Post Office Box 181
Shippingport, Pennsylvania 15077

Mr. J. D. Sieber, Vice President
Nuclear Group
Duquesne Light Company
P. O. Box 4
Shippingport, Pennsylvania 15007