

January 27, 2000

Mr. Oliver D. Kingsley, President
Nuclear Generation Group
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, IL 60515

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(TAC NOS. MA5070, MA5071, MA5149 AND MA5150)

Dear Mr. Kingsley:

By letter from Commonwealth Edison Company (ComEd) dated March 23, 1999, and Holtec International's affidavit executed by Michael P. McNamara dated February 15, 1999, you submitted a proprietary document entitled, "Licensing Report for Spent Fuel Rack Installation at Byron and Braidwood Stations," HI-982083 and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A non-proprietary version was also included in the submittal for placement in the NRC public document room. The NRC approved the withholding request by letter dated May 3, 1999.

Subsequent to that, the NRC requested additional information to clarify and correct certain items. ComEd provided that information in a letter dated October 21, 1999. By letter from ComEd dated December 13, 1999, and Holtec International's affidavit executed by Michael P. McNamara dated December 9, 1999, you submitted a proprietary document entitled, "Licensing Report for Spent Fuel Rack Installation at Byron and Braidwood Stations," HI-982083, Revision 6, and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A non-proprietary version was also included in the submittal for placement in the NRC public document room.

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

- "a. Information that discloses a process, method, or apparatus, including supporting data and analyses, 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,

* * * * *

- d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
- e. Information which discloses patentable subject matter for which it may be desirable to obtain patent protection.”

We have reviewed your submittal and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of Holtec's statements, have determined that the submitted information sought to be withheld contains trade secrets or proprietary commercial information and should be withheld from public disclosure.

Therefore, we have determined that the documents entitled, "Licensing Report for Spent Fuel Rack Installation at Byron and Braidwood Stations," HI-982083, Revision 6, 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 inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. 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 should also 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 needs additional information from you or makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

/RA/

George F. Dick, Jr., Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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

cc: See next page

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- d. Information which reveals aspects of past, present, or future Holtec International customer-funded development plans and programs of potential commercial value to Holtec International;
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Sincerely,

/RA/

George F. Dick, Jr., Project Manager, Section 2
 Project Directorate III
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

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

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ACCESSION NUMBER: ML003678971

*see previous page for concurrence

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Byron/Braidwood Stations

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