

August 14, 2001

Mr. J. S. Galembush
Regulatory and Licensing Engineering
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, Pennsylvania 15230

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC
DISCLOSURE, WATTS BAR NUCLEAR PLANT, UNIT 1 AND SEQUOYAH
NUCLEAR PLANT, UNITS 1 AND 2 (TAC NOS. MA9520, MA9583, MA9584)

Dear Mr. Galembush:

Your application and affidavit of September 5, 2000 (CAW-00-1417), requested that the proprietary version of Westinghouse Commercial Atomic Power report WCAP-15409, Revision 1, be withheld from public disclosure pursuant to Title 10, *Code of Federal Regulations* (10 CFR), Section 2.790. This report is entitled "Description of the Westinghouse LOCTA_JR 1-D Heat Conduction Code for LOCA Analysis for Fuel Rods," September 2000, and was attached to a Tennessee Valley Authority (TVA) letter to the U.S. Nuclear Regulatory Commission (NRC) of October 5, 2000. The TVA letter also provided a nonproprietary copy of this report, which has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library (Accession No. ML012210085).

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

- (4)(ii)(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.
- (4)(ii)(c) 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.

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

Therefore, we will withhold the proprietary version of the submitted information 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 documents. If the need arises, we may send copies of this

J. Galembush

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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 matter, I may be reached at 301-415-1423.

Sincerely,

/RA/

L. Mark Padovan, Project Manager, Section 2
Project Directorate II-2
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-390, 50-327 and 50-328

cc: See next page

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Project Directorate II-2
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Tennessee Valley Authority

**SEQUOYAH NUCLEAR PLANT
WATTS BAR NUCLEAR PLANT**

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Tennessee Valley Authority

**SEQUOYAH NUCLEAR PLANT
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