

September 15, 2006

Mr. J. A. Gresham
Manager, Regulatory Compliance and
Plant Licensing
Westinghouse Electric Company
Nuclear Services
P.O. Box 355
Pittsburgh, Pennsylvania 15230-0355

SUBJECT: WESTINGHOUSE ELECTRIC COMPANY LLC - REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR WATTS
BAR NUCLEAR PLANT, UNIT 1 (TAC NO. MC8248)

Dear Mr. Gresham:

By letter dated August 18, 2006, the Tennessee Valley Authority submitted a response to the Nuclear Regulatory Commission's (NRC's) request for additional information concerning the staff's review of the emergency core cooling system evaluation model changes at the Watts Bar Nuclear Plant, Unit 1. This letter included two affidavits dated August 17, 2006, executed by you, requesting that the information contained in the following documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

LTR-LIS-06-434 P-Attachment, "Best Estimate Large Break Loss-of-Coolant Response to NRC Request for Information," (Proprietary)

LTR-LIS-06-439 P-Attachment, "Response to NRC Request for Additional Information (RAI) on Watts Bar (WAT) SI Flow Reduction SBLOCA Evaluation," (Proprietary)

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

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

- (i) The information is owned and has been held in confidence by Westinghouse.
- (ii) The information is of a type customarily held in confidence by Westinghouse and not customarily disclosed to the public.
- (iii) The information is being transmitted to the NRC in confidence under the provisions of 10 CFR 2.390.
- (iv) The information is not available in public sources or available information has not been previously employed in the same original manner or method to the best of Westinghouse's knowledge or belief.

- (v) 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 design modifications, bases, 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 the requirements of 10 CFR 2.390 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, LTR-LIS-06-434 P-Attachment, "Best Estimate Large Break Loss-of-Coolant Response to NRC Request for Information," marked as proprietary and LTR-LIS-06-439 P-Attachment, "Response to NRC Request for Additional Information (RAI) on Watts Bar (WAT) SI Flow Reduction SBLOCA Evaluation," marked as 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.

If you have any questions regarding this matter, I may be reached at 301-415-1364.

Sincerely,

/RA/

Douglas V. Pickett, Senior Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-390

cc: See next page

- *9 (v) 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 design modifications, bases, 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.

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Douglas V. Pickett, Senior Project Manager
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 Division of Operating Reactor Licensing
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Tennessee Valley Authority

WATTS BAR NUCLEAR PLANT

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