



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 26, 2009

Mr. William R. Campbell, Jr.
Chief Nuclear Officer and
Executive Vice President
Tennessee Valley Authority
6A Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR WATTS BAR NUCLEAR PLANT, UNIT 1 (TAC NO. MD9396)

Dear Mr. Campbell:

By letter dated August 1, 2008 (Agencywide Documents Access and Management System (ADAMS) No. ML082180093), the Tennessee Valley Authority (TVA) submitted a request for a proposed amendment to revise technical specifications for boron requirements for the cold leg accumulators and refueling water storage tank.

By letter dated December 31, 2008 (ML090220258), TVA responded to the U.S. Nuclear Regulatory Commission (NRC) letter dated October 28, 2008 (ML082940170), regarding a request for additional information to the amendment request. As part of the proposed amendment request, TVA submitted an affidavit CAW-08-2511, dated December 30, 2008, executed by J. A. Gresham on behalf of the Westinghouse Electric Company LLC, requesting that the 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:

Watts Bar Nuclear Plant (WBN) Unit 1 – Response to Request for Additional
Information Re: Watts Bar Emergency Core Cooling System Boron Requirements
(TAC No. MD9396) (Proprietary)

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the ADAMS Public Electronic Reading Room (ML090220255).

The affidavit stated that the submitted 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) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability.

- (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 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the version of the submitted information 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 301-415-3100.

Sincerely,



John G. Lamb, Senior Project Manager
Watts Bar Special Projects Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-390

cc: See next page

Tennessee Valley Authority

WATTS BAR NUCLEAR PLANT

cc:

J. A. Gresham, Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company LLC
P.O. Box 355
Pittsburgh, PA 15230-0355

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/RA/

John G. Lamb, Senior Project Manager
Watts Bar Special Projects Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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cc: See next page

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