

September 14, 2009

Ms. Andrea L. Sterdis  
Manager, Nuclear Licensing & Industry Affairs  
Nuclear Generation Development & Construction  
Tennessee Valley Authority  
1101 Market Street  
Chattanooga, Tennessee 37402-2801

SUBJECT: BELLEFONTE REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Ms. Sterdis:

By letter dated August 17, 2009, Tennessee Valley Authority (TVA) submitted an affidavit dated June 4, 2009, executed by Mr. James W. Winters, which requested that certain 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:

- Westinghouse ORIGEN information for the 2001 DCD and 2008 BLN evaluations

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.
- (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 Westinghouse ORIGEN information for the 2001 DCD and 2008 BLN evaluations contained in the August 17, 2009, TVA letter that is marked as proprietary will be withheld from public disclosure pursuant to the provisions cited above. 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 301-415-2974.

Sincerely,

**/RA/**

Jason Huang, Project Manager  
AP1000 Projects Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-014, 52-015

cc: See next page

A. Sterdis

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Jason Huang, Project Manager  
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(Revised 06/17/2009)

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