

**PROPRIETARY INFORMATION – WITHHOLD UNDER 10 CFR 2.390**

This letter is decontrolled when separated from Enclosure 1



Tennessee Valley Authority, 1101 Market Street, Chattanooga, TN 37402

CNL-17-061

May 11, 2017

10 CFR 52, Subpart A

ATTN: Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Clinch River Nuclear Site  
NRC Docket No. 52-047

**Subject:** Submittal of Supplemental Information Related to the Accidental Release of Liquid Effluents in Support of the Clinch River Nuclear Site Early Site Permit Application

- References:**
1. Letter from TVA to NRC, CNL-16-081, "Application for Early Site Permit for Clinch River Nuclear Site," dated May 12, 2016
  2. NRC Memorandum, "April 17 - 28, 2017, Audit of Clinch River Nuclear Site Early Permit Application - Hydrology and Health Physics Analyses," dated April 11, 2017

By letter dated May 12, 2016 (Reference 1), Tennessee Valley Authority (TVA) submitted an application for an early site permit for the Clinch River Nuclear (CRN) Site in Oak Ridge, TN. On April 17, 2017 through April 19, 2017, the NRC conducted an audit of the hydrologic information contained in the CRN Site Early Site Permit Application (Reference 2). Two of the NRC Audit Information Needs (Items 34 and 44) were related to the accidental liquid effluent release calculation. During the face-to-face portion of the NRC audit held at the Bechtel Power Corporation (Bechtel) offices in Reston, VA, the NRC requested that TVA provide a copy of the spreadsheet used to estimate the exposure concentration that would result from a postulated accidental release of liquid effluents into the groundwater and surface water at the CRN Site.

Enclosure 1 provides a CD-ROM containing a copy of the Bechtel calculation spreadsheet that was used to estimate the exposure concentration from a postulated accidental release of liquid effluents into the groundwater and surface water at the CRN Site. Bechtel considers the information provided in Enclosure 1 to this letter to be proprietary and, therefore, exempt from public disclosure pursuant to 10 CFR 2.390, Public inspections, exemptions, requests for withholding. An affidavit for withholding information, executed by Bechtel, is provided in Enclosure 2. Therefore, on behalf of Bechtel, TVA requests that Enclosure 1 be withheld from public disclosure in accordance with the associated Bechtel affidavit and the provisions of 10 CFR 2.390.

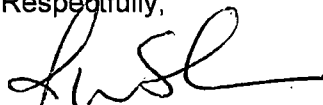
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U.S. Nuclear Regulatory Commission.  
CNL-17-061  
Page 2  
May 11, 2017

There are no new regulatory commitments associated with this submittal. If any additional information is needed, please contact Dan Stout at (423) 751-7642.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 11th day of May 2017.

Respectfully,



J. W. Shea  
Vice President, Nuclear Licensing

Enclosures:

1. CD-ROM: Spreadsheet Attachment 4 to Bechtel Calculation 25847-000-K0C-0000-00023-003, Accidental Release of Liquid Effluents, Rev. 3 March 8, 2017 (1 copy)
2. Bechtel Power Corporation Affidavit

cc (w/ Enclosures):

- A. Fetter, Project Manager, Division of New Reactor Licensing, USNRC (1 copy)

cc (w/o Enclosures):

- V. McCree, Executive Director of Operations, USNRC
- C. Haney, Regional Administrator, Region II, USNRC
- M. Johnson, Deputy Executive Director for Reactor and Preparedness Programs, USNRC
- V. Ordaz, Acting Director, Office of New Reactors, USNRC
- F. Akstulewicz, Director, Division of New Reactor Licensing, USNRC
- J. Donoghue, Acting Branch Chief, Division of New Reactor Licensing, USNRC
- M. Sutton, Project Manager, Division of New Reactor Licensing, USNRC
- P. Vokoun, Project Manager, Division of New Reactor Licensing, USNRC
- T. Dozier, Project Manager, Division of New Reactor Licensing, USNRC
- M. M. McIntosh, Regulatory Specialist, Eastern Regulatory Field Office, Nashville District, USACE

**ENCLOSURE 2**

**BECHTEL POWER CORPORATION AFFIDAVIT**

**10 CFR 2.390  
AFFIDAVIT OF STEPHEN D. ROUTH  
SUPPORTING APPLICATION TO WITHHOLD  
FROM PUBLIC DISCLOSURE**

**BECHTEL CALCULATION SPREADSHEET INCLUDED AS ATTACHMENT 4 TO  
BECHTEL CALCULATION 25847-000-K0C-0000-00023-003,  
ACCIDENTAL RELEASE OF LIQUID EFFLUENTS, MARCH 8, 2017**

I, Stephen D. Routh, Manager of Nuclear Engineering Services, of Bechtel Power Corporation (Bechtel), having been duly sworn, do hereby affirm and state:

I have been authorized by Bechtel to (a) review the Information owned by Bechtel which is referenced herein relating to supporting analyses for the Clinch River Early Site Permit Application (ESPA) which Bechtel seeks to have withheld from public disclosure pursuant to 10 CFR 2.390(a)(4), and (b) apply for the withholding of such information from public disclosure by the Nuclear Regulatory Commission (NRC) on behalf of Bechtel.

Pursuant to the provisions of 10 CFR 2.390(b)(3), the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.

1. The information sought to be withheld from public disclosure has been held in confidence by Bechtel.
2. The information is of a type customarily held in confidence by Bechtel and not customarily disclosed to the public. Bechtel has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Bechtel policy and provide the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where presentation of its use by any of Bechtel's competitors without license from Bechtel constitutes a competitive economic advantage.
- 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 their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.
- d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Bechtel, its customers; or suppliers.

- e) It reveals aspects of past, present, or future Bechtel or customer funded development plans and programs of potential commercial value to Bechtel.
- f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Bechtel system which include the following:

- a) The use of such information by Bechtel gives Bechtel a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Bechtel competitive position.
  - b) It is information, which is marketable in many ways. The extent to which such information is available to competitors diminishes Bechtel's ability to sell products and services involving the use of the information.
  - c) Use by our competitors would put Bechtel at a competitive disadvantage by reducing their expenditure of resources at Bechtel expense.
  - d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components or proprietary information, any one component may be the key to the entire puzzle, thereby depriving Bechtel of a competitive advantage.
  - e) Unrestricted disclosure would jeopardize the position of prominence of Bechtel in the world market, and thereby give a market advantage to the competition.
  - f) The Bechtel capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
3. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the Commission.
  4. The information sought to be protected 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 our knowledge and belief.
  5. The proprietary information specifically sought to be withheld is a calculation spreadsheet which is an attachment to Bechtel Calculation 25847-000-K0C-0000-00023-003, Accidental Release of Liquid Effluents. The purpose of this calculation is to estimate the exposure concentrations that would result from a postulated accidental release of liquid effluents into the groundwater and surface water at the Clinch River nuclear site.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Bechtel because it would enhance the ability of competitors to perform similar evaluations and related 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.

The development of the information described in part is the result of applying the results of many analyst-hours and significant monetary expenditure.

In order for a competitor of Bechtel to duplicate this information, similar evaluations would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

Further affiant sayeth not.

Stephen D. Routh, having been duly sworn, hereby confirms that I am the Manager of Nuclear Engineering Services, of Bechtel Power Corporation, that I am authorized on behalf of Bechtel to review the information attached hereto and to sign and file with the Nuclear Regulatory Commission this affidavit and the attachments hereto, and that the statements made and matters set forth herein are true and correct to the best of my knowledge, information, and belief.

Stephen D. Routh

Stephen D. Routh

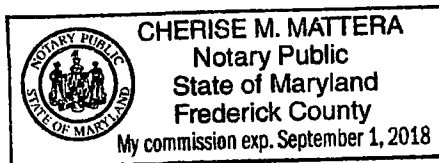
On this 26 day of April, 2017, the individual signing above personally appeared before me, is known by me to be the person whose name is subscribed to within the instrument, and acknowledged that he executed the same for the purposes therein contained. In witness hereof I hereunto set my hand and official seal.

Cherise M. Mattera

Notary Public

State of Maryland, Frederick County

My commission expires 9-1-2018



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**ENCLOSURE 1**

**CD-ROM: Spreadsheet Attachment 4 to Bechtel Calculation 25847-000-K0C-0000-00023-003, Accidental Release of Liquid Effluents, Rev. 3 March 8, 2017**

**(Proprietary)**