



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 14, 2022

Mr. James Barstow
Vice President, Nuclear Regulatory Affairs
and Support Services
Tennessee Valley Authority
1101 Market Street, LP 4A-C
Chattanooga, TN 37402-2801

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR WATTS BAR NUCLEAR PLANT, UNIT 2 (EPID L-2021-LLA-0043)

Dear Mr. Barstow:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated August 11, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21223A319), Tennessee Valley Authority (TVA) submitted LTR-CDMP-21-44 P-Attachment, Revision 0, "Watts Bar Nuclear Plant Unit 2 - Response to NRC Request for Additional Information from the Application to Modify Watts Bar Nuclear Plant, Unit 2 Technical Specifications Steam Generator Inspection/Repair Program Provisions and Unit 2 Facility Operating License Condition 2.C.(4) (WBN-TS-20-06)," and requested that portions be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390.

Subsequently, by letter dated January 5, 2022 (ADAMS Accession No. ML22005A344), TVA submitted a supplement to the August 11, 2021, letter to correct the markings for certain information that was incorrectly marked as proprietary. The letter contained the following affidavit:

Affidavit dated December 15, 2021, (CAW-21-5249), executed by Zachary S. Harper, Manager, Licensing Engineering, Westinghouse Electric Company, LLC, requesting that proprietary portions of LTR-CDMP-21-44 P-Attachment, Revision 1, "Response to NRC Request for Additional Information from the Application to Modify Watts Bar Nuclear Plant, Unit 2 Technical Specifications Steam Generator Inspection/Repair Program Provisions and Unit 2 Facility Operating License Condition 2.C.(4) (WBN-TS-20-06)," be withheld public disclosure under 10 CFR 2.390.

A nonproprietary copy of this document has been placed in the NRC's Public Document Room and added to the NRC Library in the ADAMS.

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

- (i) The information sought to be withheld from public disclosure is owned and has been held in confidence by Westinghouse and is not customarily disclosed to the public.

- (ii) The information sought to be withheld is being transmitted to the Commission in confidence and, to Westinghouse's knowledge, is not available in public sources.
- (iii) Westinghouse notes that a showing of substantial harm is no longer an applicable criterion for analyzing whether a document should be withheld from public disclosure. Nevertheless, 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 technical evaluation justifications 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.

Additionally, the affidavit stated that Westinghouse has policies in place to identify proprietary information. 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. Specifically, Westinghouse has identified that the proprietary information in LTR-CDMP-21-44 P-Attachment, Revision 1, meets the following criteria:

- (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.
- (e) It reveals aspects of past, present, or future Westinghouse or customer funded development plans and programs of potential commercial value to Westinghouse.

We have reviewed TVA's application and the material in accordance with the requirements of 10 CFR 2.390 and, based on 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 301-415-1627.

Sincerely,

/RA/

Kimberly J. Green, Senior Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-391

cc: Zachary S. Harper
Manager, Licensing Engineering
Westinghouse Electric Company
1000 Westinghouse Drive
Suite 165
Cranberry Township, Pennsylvania 16066

cc: Listserv

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR WATTS BAR NUCLEAR PLANT, UNIT 2 (EPID L-2021-LLA-0043) DATED
JANUARY 14, 2022

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