

December 31, 2001

Mr. H. A. Sepp, Manager  
Regulatory and Licensing Engineering  
Westinghouse Electric Company LLC  
P. O. Box 355  
Pittsburgh, Pennsylvania 15230-0355

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE  
REGARDING THE SEQUOYAH NUCLEAR PLANT, UNITS 1 AND 2  
(TAC NOS. MB3435 AND MB 3436)

Dear Mr. Sepp:

By your application dated October 17, 2001, and your affidavit dated October 19, 2001 (CAW-01-1489), transmitted as Enclosure 9 to the November 15, 2001, Tennessee Valley Authority (TVA) application for license amendments for Sequoyah Units 1 and 2, you requested withholding from public disclosure Enclosure 7 to the application. Enclosure 7 is entitled "Applicability of Comanche Peak and Watts Bar RAIs to Sequoyah 1&2 Uprate." Your request that the document be withheld from public disclosure was made pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790.

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) 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 2.790 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, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(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.

Mr. H. Sepp

-2-

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 301-415-2010.

Sincerely,

**/RA/**

Ronald W. Hernan, Sr. Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-327 and 50-328

cc: See next page

Mr. H. Sepp

-2-

December 31, 2001

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 301-415-2010.

Sincerely,

**/RA/**

Ronald W. Hernan, Sr. Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-327 and 50-328

cc: See next page

Distribution:

PUBLIC	M. P. Siemien. OGC
PDII-2 Reading	P. Fredrickson, RII
R. Correia	R. Hernan
B. Clayton	H. Berkow

WP DOCUMENT TITLE: C:\Program Files\Adobe\Acrobat 4.0\PDF Output\Affadavit 2 - MB3435.wpd

ADAMS ACCESSION NUMBER: ML013650485

OFFICE	PDII-2/PM	PDII-2/LA	PDII-2/SC	OGC
NAME	RHernan	BClayton	MPadovan for RCorreia	MPSiemien
DATE	12/20/2001	12/20/2001	12/27/2001	12/21/2001

**OFFICIAL RECORD COPY**

Tennessee Valley Authority

cc:

Mr. J. A. Scalice  
Chief Nuclear Officer and  
Executive Vice President  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, Tennessee 37402-2801

Mr. Karl W. Singer, Senior Vice President  
Nuclear Operations  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. Jon R. Rupert, Vice President (Acting)  
Engineering & Technical Services  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. Richard T. Purcell  
Site Vice President  
Sequoyah Nuclear Plant  
Tennessee Valley Authority  
P.O. Box 2000  
Soddy Daisy, TN 37379

General Counsel  
Tennessee Valley Authority  
ET 11A  
400 West Summit Hill Drive  
Knoxville, TN 37902

Mr. Robert J. Adney, General Manager  
Nuclear Assurance  
Tennessee Valley Authority  
6A Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

Mr. Mark J. Burzynski, Manager  
Nuclear Licensing  
Tennessee Valley Authority  
4X Blue Ridge  
1101 Market Street  
Chattanooga, TN 37402-2801

**SEQUOYAH NUCLEAR PLANT**

Mr. Pedro Salas, Manager  
Licensing and Industry Affairs  
Sequoyah Nuclear Plant  
Tennessee Valley Authority  
P.O. Box 2000  
Soddy Daisy, TN 37379

Mr. D. L. Koehl, Plant Manager  
Sequoyah Nuclear Plant  
Tennessee Valley Authority  
P.O. Box 2000  
Soddy Daisy, TN 37379

Mr. Russell A. Gibbs  
Senior Resident Inspector  
Sequoyah Nuclear Plant  
U.S. Nuclear Regulatory Commission  
2600 Igou Ferry Road  
Soddy Daisy, TN 37379

Mr. Lawrence E. Nanney, Director  
Division of Radiological Health  
Dept. of Environment & Conservation  
Third Floor, L and C Annex  
401 Church Street  
Nashville, TN 37243-1532

County Executive  
Hamilton County Courthouse  
Chattanooga, TN 37402-2801

Ms. Ann P. Harris  
341 Swing Loop Road  
Rockwood, Tennessee 37854