

August 10 ,2007

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
(TAC NO. MD5880)

Dear Mr. Campbell:

By letter dated June 8, 2007, the Tennessee Valley Authority (TVA) submitted Affidavit CAW-07-2275 dated June 7, 2007, executed by Mr. J. A. Gresham 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:

WCAP-15376 Implementation Guideline for WCAP-15376-P-A, Rev. 1, "Approach to Address the Conditions and Limitations in the NRC's Safety Evaluation" (Proprietary)

A nonproprietary copy of this document has been placed in the U.S. Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory 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.
- (ii) The information is of a type customarily held in confidence by Westinghouse and is not customarily disclosed to the public.
- (iii) The information is being transmitted to the NRC in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the NRC.
- (iv) 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 Westinghouse's knowledge and belief.
- (v) The proprietary information sought to be withheld in this submittal is that which is appropriately marked in WCAP-15376 Implementation Guideline for WCAP-15376-P-A, Rev. 1, "Approach to Address the Conditions and Limitations in the NRC's Safety Evaluation" (Proprietary) on behalf of the Pressurized Water

Reactor Owners Group, being transmitted by TVA Watts Bar Nuclear Power Plant Unit 1 letter and Application for Withholding Proprietary Information from Public Disclosure, to the Document Control Desk. The proprietary information is expected to be applicable for other licensee submittals.

This information is part of that which will enable Westinghouse to:

- (a) Provide risk-informed assessment of the Reactor Trip System and Engineered Safety Fracture Actuation System to extend the interval for surveillance testing.
- (b) Provide licensing defense services.
- (vi) This information has substantial commercial value as follows:
 - (a) Westinghouse plans to sell the use of similar information to its customers for purposes of extending surveillance testing intervals.
 - (b) Westinghouse can sell licensing support and defense of extending surveillance testing intervals.
 - (c) 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 assessments 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.
 - (d) The development of the technology described in part by the information is the result of applying the results of many years of experience in an intensive Westinghouse effort, and the expenditure of a considerable sum of money.
 - (e) In order for competitors of Westinghouse to duplicate this information, similar technical programs would have to be performed, which would involve a significant manpower effort, and possibly having to acquire the requisite talent and experience.

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 about this material, please contact me at (301) 415-3974.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-390

cc: J. A. Gresham, Westinghouse
Plant Mailing List

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Brendan T. Moroney, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
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cc: J. A. Gresham, Westinghouse
Plant Mailing List

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